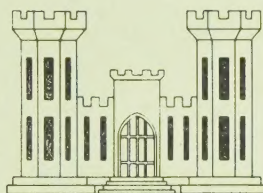


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SAN FRANCISCO BAY AREA IN-DEPTH STUDY



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Conservation Water S.F. bay area
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City planning Regional "
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fed., state & local inter. Ports
City planning Waterfront

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SECTION I - INTRODUCTION

1. AUTHORIZATION

This report is part of the San Francisco Bay Area In-Depth Study, a comprehensive investigation authorized by Congress to guide deep-draft navigation development in the San Francisco Bay Area. The study aim is to create inter-governmental guidelines for planning water transportation facilities, giving equal consideration to competing uses of the Bay Region and hinterland resources. Component elements of the overall investigation are described in a Revised Plan of Study dated January 1975.

2. PURPOSE

Maritime commerce in the San Francisco Bay and Delta areas is affected by a complex array of institutions at all levels of government. The role of some is traditional and well-defined, while that of others is emerging in response to contemporary problems. The purpose of this inventory is to provide an overview of the public policy objectives and agencies which govern the planning, development and operation of deep-draft commercial navigation facilities in the region. A subsequent analysis will draw upon this information to assess alternative institutional scenarios for the future development of the Bay Area port system.

3. SCOPE

The scope of this report includes the existing roles of two types of institutions:

a. Public agencies which have a direct role in water transportation; included in this group are entities with statutory authority to plan, finance, construct, operate, and regulate ports and related navigation facilities.

b. Special purpose agencies with regulatory or planning authority encompassing the impact of navigation improvements on land and water resources.

Private organizations which maintain a continuing interest and play an influential role in maritime development are also briefly discussed.

The sequence of the report reflects the traditional predominance of the Federal-local relationship in this field, followed by the emerging importance of the State and regional levels.

SECTION II - ROLE OF THE FEDERAL GOVERNMENT

4. Because of the physical nature of waterways and their importance to national defense and the national economy, the Federal Government plays a predominant role in the field of navigation. Federal authority stems from the commerce and welfare clauses of the Constitution. Based on these powers, Congress has authorized Federal agencies to administer a wide range of functions related to navigation development and operation. At the same time, Congress has also provided for a continuing decision-making role by State, local and private entities.

5. Primary Federal development and operational authority directly in the field of navigation is vested in the Corps of Engineers, the Maritime Administration and the Coast Guard. Two independent regulatory commissions, the Federal Maritime Commission and the Interstate Commerce Commission also have important roles affecting shipping operations. Other Federal agencies administer planning and regulatory programs related to navigation, as authorized in a growing body of law and administrative guidelines establishing Federal involvement in such fields as environmental quality, fish and wildlife resources, economic development, coastal zone management and multi-modal transportation planning. The respective role of each Federal agency is discussed as follows.

6. CORPS OF ENGINEERS

The Corps of Engineers has represented the national interest in the navigable waters of the Bay and Delta areas since the early development of the West. The Corps continues to exercise primary regulatory and developmental responsibility for the waterways of this area.

a. Authority. In a series of Rivers and Harbor Acts beginning in 1824, Congress has assigned the Corps of Engineers a broad mission to protect, preserve and improve the navigable waters of the United States. Initial authority pertained solely to navigation and was subsequently expanded to include many related aspects of water resources development. Authority for harbor development is granted in several landmark River and Harbor Acts which define Federal policy and authorize specific navigation projects. Although no single Federal agency has overall responsibility in this field, the authority of the Corps is far-reaching in both regulatory and developmental functions. Most Congressional legislation which grants operational authority to Federal agencies over navigation concerns the Corps of Engineers.

b. Organization. Corps navigation activities are conducted under directives from Congress, and are administered by the Chief of Engineers under the direction of the Secretary of the Army. Administration of the Civil Works Program is organized into 11 Divisions and 38 Districts. The navigation program of the Corps of Engineers in the Bay-Delta area falls within the jurisdiction of the South Pacific Division and its component San Francisco and Sacramento Districts, as shown on Plate 1.

c. Jurisdiction. Geographically, the jurisdiction of the Corps encompasses the "navigable waters of the United States." This term is used to distinguish waters over which certain Federal powers may be exercised. Its meaning has been developed and expanded over the years by the Federal courts. Generally, navigable waters of the United States are susceptible for use for interstate or foreign commerce. In specific instances, the Chief of Engineers determines whether a waterbody is a navigable water of the United States. This determination is based on a report of findings prepared by the District Engineer, accompanied by an opinion of the District Counsel and forwarded through the Division Engineer. On rivers and lakes, Federal regulatory jurisdiction and powers of improvement for navigation extend laterally to the entire water surface and bed of a navigable waterbody, which includes all the land and waters below the ordinary high water mark. In the ocean and tidal waters, the regulatory jurisdiction of the Corps includes all ocean coastal waters within a zone three nautical miles seaward from the coastline. In bays and estuaries, jurisdiction extends to the entire surface and bed of all waterbodies subject to tidal action. This includes marshlands and similar areas insofar as those areas are subject to inundation by the mean high tidal waters. In the San Francisco District, tidal tributaries are considered part of the Bay and jurisdiction is claimed behind dikes for areas below the mean higher high water line. This includes marshlands and similar areas which lie below the mean higher high water line.

d. Functions. Navigation functions of the Corps of Engineers are grouped into two categories: regulatory and developmental.

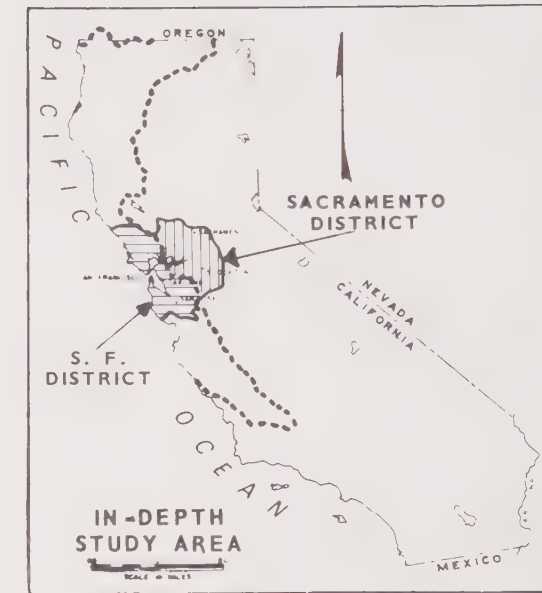
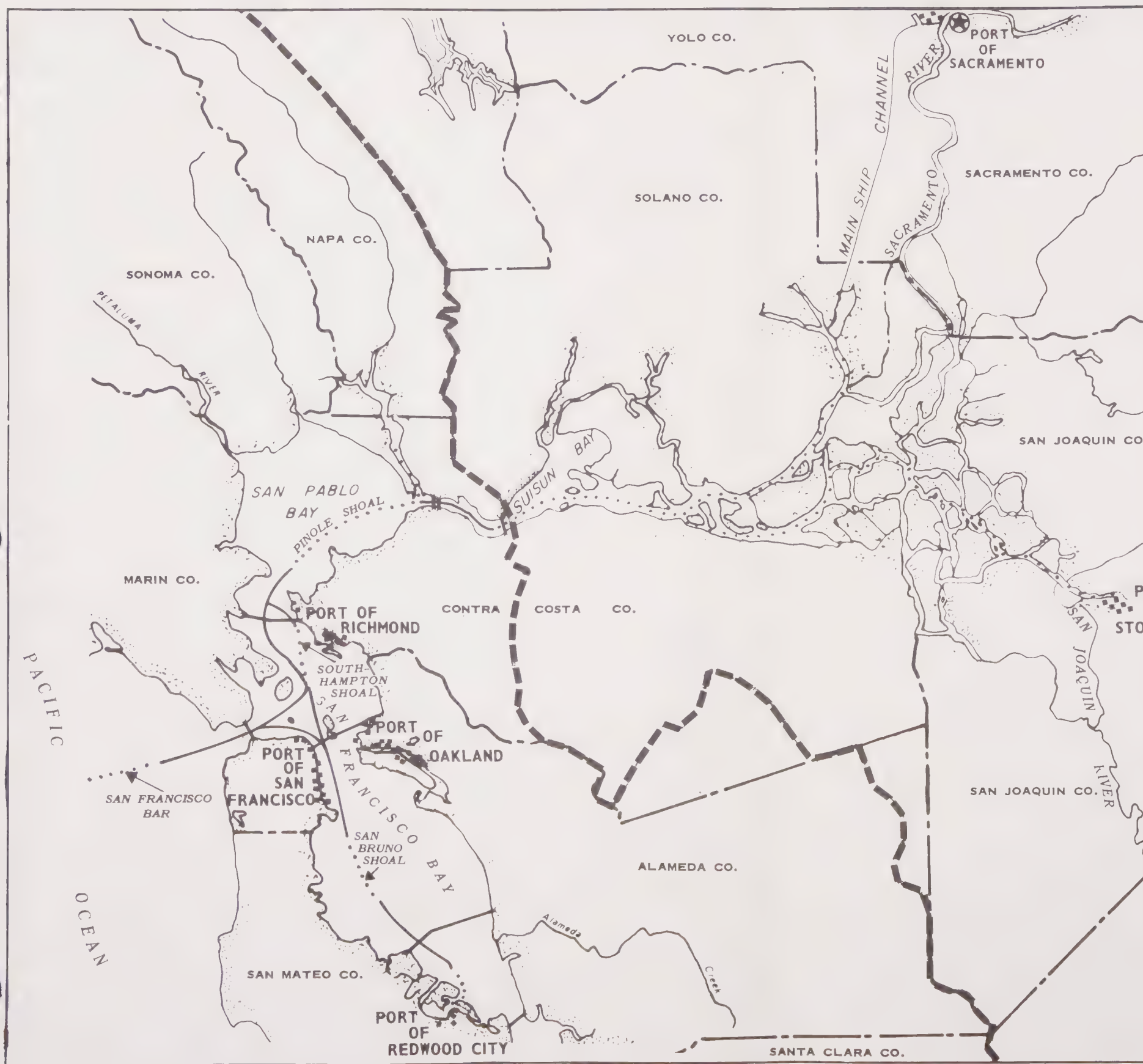
(1) Regulatory functions. Basic authority to regulate the use of navigable waters is granted to the Corps in the River and Harbors Act of 1899 and the Federal Water Pollution Control Act (PL 92-500), as amended. Under these laws, private entities and municipal ports proposing to dredge, fill, erect structures or deposit dredge spoils in navigable waters must have prior approval of the Corps. In addition to its own maintenance dredging projects, the San Francisco District has in the past few years issued permits for port construction involving several million cubic yards of dredged material. Most of this material has been deposited at Alcatraz Island.

Provisions of these basic acts include every conceivable development in navigable waters. Amendments to Section 404 of the Federal Water Pollution Control Act introduced in 1976 would extend Corps regulatory jurisdiction to adjacent wetlands. The 1899 Act also authorizes the Corps to establish harbor lines which were originally intended to define the offshore limits of construction. Prior to 1970 riparian owners could construct works shoreward of harbor lines without a permit. New regulations establish harbor lines merely as guidelines to provide guidance on the offshore limits of construction with respect to the impact of navigation. Anyone wishing to undertake work in navigable

waters shoreward of harbor lines is required to apply to the Corps for a permit. In addition to the permit program, the Rivers and Harbors Act of 1917 authorizes the Corps to promulgate regulations for the use of navigable waters. Under this authority regulations can be prescribed for the use of danger zones; restricted areas may be set aside for certain uses; and speed limits may be established to exercise control over the movement of vessels in a restricted channel. Under the 1899 Act the Corps is also responsible for the removal of wrecks, sunken vessels and other objects which may obstruct navigation.

(2) Developmental functions. The basic policy of the Corps of Engineers under the Rivers and Harbors Act of 1920 is to develop or expand navigation facilities to provide broad public benefits. Requirements for local cooperation in navigation projects prohibit Federal expenditures inside established harbor lines. Local governmental and private interests are required to assume this responsibility. Federal participation is limited to sharing costs for general navigation features consisting of breakwaters, jetties, entrance and primary access channels, turning basins, and anchorage areas. Non-Federal interests are responsible for terminal facilities, dredging in berthing areas and interior access channels, acquisition of necessary lands, easements and rights-of-way, and spoil disposal areas with retaining dikes. They must also relocate and alter affected utilities, pipelines, cables, and sewer outlets. Corps regulations require that at least one public terminal should exist, or be constructed, owned and regulated by the municipality, or other public agency of the State and open to the use of all on equal terms. Additional local cooperation may be required because of special benefits such as land enhancement from placement of dredged material, betterment in bridge changes, recreation and special limited-interest facilities. The Federal Government bears all costs of commercial navigation project construction, operation and maintenance because of the widespread nature of the benefits. The Corps is also responsible for temporary navigation aids required during construction operations. (The installation of primary navigation aids is the responsibility of the U.S. Coast Guard). In conjunction with the Bureau of Customs and the Bureau of Census, the Corps collects data on domestic waterborne commerce from vessel operators for inclusion in the annual publication titled "Waterborne Commerce of the United States."

(3) District Functions. Continuing removal of debris in San Francisco Bay is authorized in the interest of general navigation. The Corps program of improving navigable waterways in the Bay-Delta complex involves the dredging of approximately 160 miles of deepwater channels to depths ranging from 30 to 55 feet. As shown on Plate 1, the San Francisco District maintains the Main Ship Channel through the Golden Gate and connecting branches within the Bay to Pt. Edith near Avon. Channel improvements in the Delta area above Antioch are within the Sacramento District.



- LEGEND**
- MAJOR NAVIGATION ROUTES:**
- Maintained by Dredging
 - Natural Deep Water
- DISTRICT BOUNDARY
- ▣ PORT AREA

SAN FRANCISCO BAY AREA IN-DEPTH : JY
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U.S. ARMY CORPS OF ENGINEERS
DISTRICT BOUNDARIES
&
NAVIGATION CHANNELS,
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e. Recent Federal Laws. For a long period of time the regulatory and development authority granted to the Corps under the 1899 Act was exercised only from the viewpoint of protecting and improving navigation. However, in recent years Congressional directives have expanded Corps authority to include the assessment of a broad range of project-related environmental and social effects. The provisions of these laws are summarized as follows:

(1) Fish and Wildlife Coordination Act of 1958 (PL 85-624). Congressional concern regarding the impact of waterway improvements was formalized in 1958 with the passage of the Fish and Wildlife Coordination Act. Under this Act the Corps is required to consult with appropriate Federal and State agencies with a view toward the conservation of wildlife resources prior to undertaking public works and prior to issuing permits for work in navigable waters. At the Federal level the Bureau of Sport Fisheries and Wildlife, Department of the Interior serves as expert advisor. At the State level the Department of Fish and Game is consulted on measures to reduce damage to fish and wildlife resources. This concern grew out of the possibility that dredging, filling and diking operations carried out to improve navigation and to provide new industrial or residential land, could adversely affect the nursery and feeding grounds of crustaceans and finfish in estuarine areas. The draining and filling of wetlands was also of particular concern since these actions could destroy or alter wildlife habitats. However, the act is permissive, requiring only that the Corps seek input from Federal and State agencies to obtain their views on measures to prevent loss and damage to fish and wildlife resources. Provisions of the Act are now incorporated in Corps of Engineers regulations and are implemented to mitigate or enhance navigation project effects on fish and wildlife resources.

(2) Marine Resources and Engineering Development Act of 1966 (PL 89-454). This act created a cabinet level National Council on Marine Science, Engineering and Resources, to conduct a coordinated review of national marine activities from the perspective of important national goals. The report of the National Commission, Our Nation and the Sea, published in early 1969, proposed comprehensive Federal studies of the nation's harbors from a regional perspective including identification of important relationships to transportation, urban development, estuarine resource development, and deep draft port requirements. Although a national program was not authorized, regional studies are being conducted in various areas.

(3) National Environmental Policy Act of 1969 (PL 91-190). This law authorized presidential appointment of a cabinet-level Council on Environmental Quality to put new emphasis on environmental concerns. Provisions of the Act require that every Federal agency consider the environmental impact of proposed activities. Proposed actions of one Federal agency which relate to another's area of jurisdiction and expertise must, in accordance with the provisions of Section 102 of the law, be coordinated and reviewed among the agencies involved. These

actions give the Corps a clear legislative-executive mandate to consider environmental and other factors in evaluating permit applications. The 1969 Act requires the preparation and submittal of an Environmental Statement (ES) prior to the issuance of a permit for any action which the District Engineer believes may have a significant impact on the environment. An ES takes the form of a comprehensive study of the full range of environmental implications of any proposed new project. In the landmark Boca Ciega Bay case in 1969, the authority of the Corps of Engineers to deny a permit on environmental grounds was upheld by an Appeal Court after a District Court in Florida ruled that only impact on navigation could be considered. "Public interest" is described as including factors such as: "navigation, fish and wildlife, water quality, economics, conservation, aesthetics, recreation, water supply, flood damage prevention, eco-systems and, in general, the needs and welfare of the people." This ruling reinforced the broadened scope of considerations against which permit applications for proposed navigation permits are to be judged.

(4) River and Harbor Act of 1970 (PL 91-611). This law supplements and extends the requirements of the National Environmental Policy Act of 1969. Section 122 requires an assessment of anticipated project-caused economic, social and environmental effects. It also requires consideration of measures to alleviate any adverse project impacts. Section 209 states that it is the intent of Congress that the objectives of Federally-financed water projects include enhancing regional economic development, the quality of the environment, the well-being of the people of the United States and national economic development. Another provision authorized a comprehensive program of research and experimentation concerning the characteristics of dredged material and alternative methods of sediment disposal. The program objective is to provide definitive information on the environmental impact of dredging and dredged material disposal operations, and to develop suitable alternative methods. The program is being implemented in the Bay Area in cooperation with other agencies.

(5) National Fuels and Energy Policy Studies (Senate Resolution 45, February 1971). This resolution initiated Corps participation in an inter-agency effort to assist in the formulation of a national policy on deepwater ports to handle petroleum. Hearings before the Senate Committee on Interior and Insular Affairs reviewed studies being undertaken by the Corps of Engineers, the Council on Environmental Quality, the Maritime Administration, the Coast Guard, the Department of the Interior and the Environmental Protection Agency. Major studies by the Corps of Engineers of the Gulf Region and North Atlantic Region were supplemented by a West Coast Deepwater Port Facilities Study completed in June 1973. This study of potential deepwater port sites to handle petroleum imports supplements comprehensive navigation planning for all forms of waterborne cargo underway in the San Francisco Bay Area In-Depth Study.

(6) Federal Water Pollution Control Act of 1972 (PL 92-500).

This law reaffirms Corps jurisdiction for disposal of dredge material or fill in navigable waters. It provides that the Corps must specify a disposal site for each permit in compliance with guidelines developed jointly by the Corps and EPA. Responsibility for the issuance of permits to regulate discharges into the waters of the United States is assigned to EPA. The Corps of Engineers still reviews all discharge permit applications to determine the impact on navigation. An applicant for a permit for an activity which may result in any discharge must furnish a water quality certification from the appropriate State agency.

(7) Marine Protection, Research and Sanctuaries Act of 1972 (PL 2-552).

This law, known as the Ocean Dumping Act, empowers the Corps to issue permits for the transportation of dredged material for the purpose of dumping in ocean waters. The Corps is responsible for evaluating the economic and environmental impact of dumping dredged material. Permits may be issued after determination that such dumping will not unreasonably degrade or endanger human health, welfare, amenities, or the marine environment, ecological systems, or economic potentials. EPA is authorized to establish regulatory criteria and select dumping sites; the agency also has veto power over permit issuance by the Corps.

(8) Coastal Zone Management Act of 1972 (PL 95-583).

This law was enacted to promote effective coastal zone management programs by the States. It is administered by NOAA under the Secretary of Commerce. Federal funds are authorized to assist States to develop coastal master plans. All Federal agencies with projects affecting the coastal zone must insure that the project is, to the maximum extent practicable, consistent with approved state management programs.

(9) Principles and Standards for Planning Water and Related Land Resources (38 FR 24778-24778-24869, 10 September 1973). These guidelines were prepared by the Federal Water Resources Council in response to a mandate in Public Law 89-80, the Water Resources Planning Act of 1968. Under the Principles and Standards, methods of formulating, evaluating and selecting proposed Corps of Engineers navigation projects are undergoing redirection to take into account national economic development, environmental quality, regional development and social well-being. This method encourages the use of public workshops and hearings to gauge public reaction to alternative plans and to select a plan which balances multi-objectives.

f. State Laws. Determining the public interest in the use of navigable waters involves many State and regional considerations. Close liaison exists between the Corps and State and regional resource management agencies and additional permit requirements may be added pursuant to State laws. In evaluating specific proposals considerable weight is given to State regulatory and planning programs administered by State agencies including the Coastal Commission, San Francisco Bay Conservation and Development Commission, the State and Regional Water Quality Boards and the State Lands Commission, Department of Navigation and Ocean Development and Parks and Recreation.

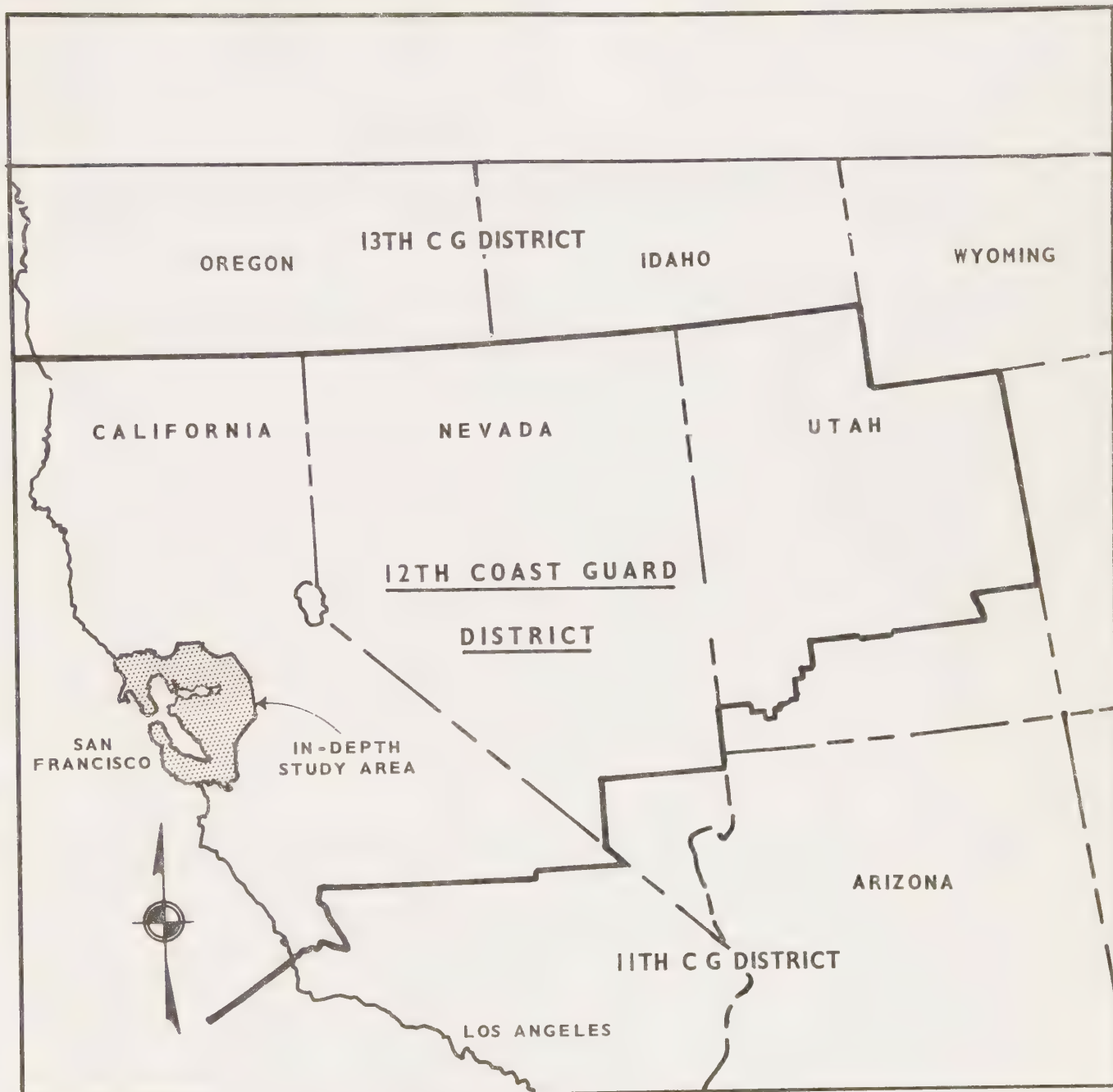
7. COAST GUARD

As the principal maritime safety and law enforcement arm of the Federal Government on navigable waters, the Coast Guard is charged with the protection of vessels, harbors, and waterfront facilities. In recent years it has also gained substantial authority and responsibility over port and waterway planning.

a. Organization. The Coast Guard originated in an Act of Congress in 1790 and, operating for many years as the Revenue Cutter Service, was created in its present form in 1915. In 1967 the Coast Guard became a component of the newly-formed Department of Transportation (DOT). The basic statute establishing the Department and defining its authority is the Transportation Act of 1966 which gives DOT a broad mandate to facilitate the development and improvement of coordinated transportation service. Overall transportation planning is administered by the Office of the Secretary which is responsible for the development of national transportation policies and programs and for making recommendations to the President and Congress. The Coast Guard is the only marine-related agency in DOT, and represents the department on all water-related matters. The Bay and Delta area is included in Twelfth Coast Guard District. As shown in Plate 2, the jurisdiction of the Twelfth District includes parts of California, Nevada, and Utah and the ocean area extending along the California coast from the Santa Maria River to the California-Oregon State line.

b. Authority. Broad authority over vessel operations is granted to the Coast Guard in the Transportation Act of 1966, the Ports and Waterways Safety Act of 1972, the Federal Water Pollution Control Act of 1972 and regulations and policies defined in the United States Code under Titles 33 and 46. Coast Guard authority includes maritime law enforcement, supervision over the anchorage and movement of vessels, the handling of explosives and other dangerous vessel cargoes and safeguarding life and property on the high seas. It also enforces laws relating to oil pollution, immigration, quarantine, and numerous statutes under the jurisdiction of other Federal agencies which require marine personnel and facilities.

In addition, the Coast Guard safeguards harbors, ports and waterfront facilities against destruction; collects merchant vessel statistics and investigates marine disasters; approves plans for construction, repair, and alteration of vessels; approves materials and equipment used in construction and operation of vessels; inspects vessels and issues permits for vessel operations which may be hazardous to life and property; administers loadline requirements; controls log books, provides for the registry, enrollment and licensing of vessels; administers licenses and certificates of U.S. merchant marine officers, seamen, and harbor pilots; superintends welfare of merchant seamen; and issues certificates of measurement which are the basis for computing and collecting tonnage taxes. The Coast Guard also maintains and operates all lights and other navigation aids in navigable channels.



SAN FRANCISCO BAY AREA IN-DEPTH STUDY
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TWELFTH COAST GUARD
DISTRICT BOUNDARIES

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Under the 1966 Transportation Act the Coast Guard also has authority to review the influence of urban mass transit facilities (such as bridges and subways) on the vessel traffic system. The clearance of bridges over navigable waters, a former Corps function, was transferred to the Coast Guard in 1967.

Expansion of Coast Guard authority over ocean port traffic occurred in 1972 with the enactment of the Ports and Waterways Safety Act, which authorizes the Coast Guard to establish and enforce controls over vessels and related activity in the navigable waters of the United States. Under this authority the Coast Guard established a vessel traffic control system in the Bay Area in 1973. Traffic movements are monitored via a remote sensing system to prevent collisions, and groundings and to regulate dumping. Authority extends to the design and construction as well as the maintenance and operation of vessels; the regulation of cargo handling, means of preventing and mitigating damage to the marine environment, and the qualifications of officers and crew. Penalties are also established. Amendments to the Federal Water Pollution Control Act of 1972 also grant the Coast Guard substantial authority to control oil discharges. In addition, the Deepwater Port Act of 1974 (PL 93-1627) enacted on 3 January 1975, authorizes the Coast Guard to develop regulations governing vessel movement, loading and unloading procedures, designation and marking of anchorage areas, maintenance, law enforcement and the equipment, training and maintenance required for deepwater terminal operation.

c. Regional Emergency Transportation Coordinator. This office of DOT is charged with assuming responsibility for all civil transportation resources of the region under conditions of defense emergency. Authority for these responsibilities is found in the Defense Production Act of 1950 (PL 81-744), Executive Order 11490 30 October 1969, Executive Order 1179, 22 September 1964 and the National Plan for Emergency Preparedness, OEP 1964. In accordance with these authorities, RETCO maintains a current executive roster and is responsible for instituting controls in time of emergency to assure optimum use of all regional transportation modes and supporting facilities. The missions and responsibilities of Federal transportation agencies under conditions of defense emergency are detailed in the Regional Defense Transportation Emergency Plan of DOT.

8. U.S. NAVY

The movement of Navy vessels is a major factor in Bay area water transport. The area falls within the Twelfth Naval District* which is headquartered on Treasure Island and includes northern California north of San Luis Obispo, Nevada and Utah. The mission of the Twelfth Naval District is to provide combat support to the Pacific Fleet.

* On 7 October 1976 the Chief of Naval Operations announced that naval commands would be consolidated from 14 to 4. As of 1 January 1977, the Twelfth Naval District will be dissolved and combined with West Coast Operations headquartered in San Diego.

a. Organization. Each major naval activity under the command of the 12th Naval District is also part of a functional chain of command with headquarters in Washington, D.C.

b. Facilities. Six major installations of the Twelfth Naval District in the study area require deep-draft access and waterfront facilities for combat ships and merchant ships transporting navy cargo. These include:

(1) Naval Supply Center-Oakland This 13-berth terminal is located in Oakland Middle Harbor. The facility was constructed in 1941-42 during the Navy's World War II building boom. Previously known as MOTBA (Military Ocean Terminal Bay Area) South, this facility was originally a cargo terminal. In the mid-60's, the military began shipping containerized cargo through commercial carriers. Cargo shipments through NSC-Oakland diminished accordingly, and the MOTBA designation was dropped. NSC is now used by the Navy as a general mooring base. It is homeport for a variety of naval vessels, including supply ships, destroyers, oilers, cargo ships, and special purpose ships such as cable layers. Many of the buildings are used to store general supplies for all Navy facilities in the Bay Area.

(2) Naval Supply Center-Alameda Facility. Also known as MOTBA East, this four-berth navy cargo terminal is located on the south side of Oakland Inner Harbor. This facility was also constructed during World War II and is now the primary food distribution center for the Pacific Fleet. It serves as a supply annex to the main Naval Supply Center in Oakland, and consists primarily of two warehouses and a berthing area parallel to the Oakland Inner Harbor Channel. The warehouse nearest the water is used for storage of refrigerated foods and other perishables. The second warehouse is used for dry food and general storage. In 1970, MOTBA East handled 80,000 tons of refrigerated foods, which were brought to the warehouses by specially modified rail cars (called "reefer vans"). A portion of the berthing area is occasionally used by Coast Guard ships based at nearby Government Island.

MOTBA East serves the same purpose as the other MOTBA facilities, which is to provide logistic support for the Navy's Pacific Fleet, the U.S. Sixth Army Region, and other military units in the Pacific area.

(3) Mare Island Naval Shipyard. This facility is a base for the construction, repair and maintenance of nuclear and conventional submarines that patrol the Pacific Ocean. The Navy department has designated Mare Island as the only west coast shipyard capable of performing such overhauls. The shipyard also conducts research and development on watercraft. The shipyard presently employs about 10,000 people (1975). Mare Island Naval Shipyard is a major factor in the economic and social health of the City of Vallejo.

(4) Alameda Naval Air Station. NAS Alameda is a large, strategic naval air base located on the west end of the City of Alameda. The mission or purpose of NAS Alameda is to provide services and material to support units of the Pacific Fleet. NAS serves as a major seaport for attack carriers, service force ships, and other vessels assigned to the Twelfth Naval District. It is also a major naval aviation industrial complex; primary aviation supply point; and training base for Fleet and Reserve aviation units. Its strategic value derives from the fact that NAS Alameda is one of the two air stations on the Pacific Coast capable of berthing aircraft carriers. The carriers bring aircraft requiring maintenance, modification, or overhaul. NAS Alameda encompasses 2,842 acres and is the largest industrial complex in the Bay Area, employing approximately 3,500 military and 8,500 civilian personnel.

(5) Concord Naval Weapons Station. Concord NWS is a naval ammunition depot and supply center located on the south side of Suisun Bay. The mission of this facility is to receive, renovate, store, maintain and issue ammunition, explosives, and expendable ordnance as directed by the Naval Sea Systems Command. It is the only trans-shipment point on the west coast for military ammunition.

The history of the station dates back to 1853 when a location at Mare Island was established to provide storage for ships' ammunition. The location of the facility was moved to the Port Chicago area in 1942 and by 1944 had grown from the original 630 acres to an area encompassing nearly 7,000 acres. With the advent of space age weaponry, a missile facility was constructed in 1963 and this time the facility was redesignated Naval Weapons Station - Concord.

Transportation accommodations serving the Station consist of two transcontinental railroads and a county road that runs east and west through the property. There is a system of roads that service the three piers and six berths at Port Chicago. During 1968 the Station acquired the town of Port Chicago and the residents were relocated.

The station now covers 12,800 acres and employs 1,600 people. Activity reached a peak during the Vietnam War, with 3,500 people employed at the base and shipments approaching 900,000 long tons between 1968 and 1972.

(6) Hunters Point Naval Shipyard. This installation has been an important ship construction and repair facility since 1868 when the first drydock was completed. The yard was acquired from Bethlehem Steel Corporation in 1941 and developed during World War II. Since that time the 800 acre base has been diversified as a major fleet logistic support facility. On 30 June 1974 the shipyard was officially closed. Under an arrangement between the Department of Defense the Navy and the City of San Francisco the base was later leased to the Triple A Machine Shop for use as a ship repair yard. The facility is designated inactive and could be repossessed for mobilization in case of a national emergency.

The City of San Francisco has unsuccessfully sought to sublease 180 acres for development of a bulk cargo terminal. This facility is on inactive mobilization status but retained as a shipyard and leased by the Navy to Triple A Machine Shop.

(7) Communications Center-Rough and Ready Island. This inactive military supply depot is located in the delta area near Stockton and is administered by the General Services Administration. The site includes docks, transit sheds and warehousing.

(8) Point Molate. Point Molate is a Navy fuel depot located just north of the Richmond-San Rafael Bridge on the Richmond Shoreline. It is the sole Navy bulk fuel handling facility for fleet units, shore establishments and other naval facilities in the Bay Area.

c. Long Range Plans. The long-range planning and management of facilities owned by the 12th Naval District is under the Naval Facilities Engineering Command, Western Division, one of six field divisions. NAVFAC provides a wide-range of engineering services in support of naval operations on the West Coast from Alaska to Mexico. As part of its mission, NAVFAC prepares master plans for naval complexes in Seattle, the Bay Area and San Diego-Long Beach. Within the Bay Area a long-range ship berthing plan completed in August 1976 calls for homeport facilities for the Pacific Fleet at five locations including: Naval Weapons Station, Concord; the Mare Island complex; Naval Supply Center, Oakland; Naval Supply Center, Oakland, Alameda Annex; and Naval Air Station, Alameda. The plan is based on the premise that no new pier construction is required at this time and maximum use will be made of existing facilities. The plan does not propose homeport berthing at Hunters Point at present and concludes that only Treasure Island has sufficient waterfront to support the future construction of major new piers for naval activities. It is to be updated annually beginning 1 January 1978, or as significant changes occur.

9. MARITIME ADMINISTRATION (MARAD)

MARAD is the principal Federal Agency responsible for aiding the domestic shipping industry and promoting an American merchant marine adequate for national defense and waterborne commerce. A forerunner of the agency was established immediately after World War I to maintain maritime facilities for military emergency use. Since 1950 MARAD has provided financial and technical assistance the domestic maritime industry and promoted the planning, development and operation of ports and inter-modal systems.

a. Authority. The basic authority of MARAD is defined in Federal statutes enacted in 1920, 1936 and 1970.

(1) The Shipping Act of 1920 provides direction on Federal cooperation with local ports in the general development of port facilities and is regarded as the primary policy statement of Congress on port development. Policy implementation was vested in the United States Shipping Board, the forerunner of MARAD. Although Section 8 of the 1920 Act charges MARAD with general port development and directs to participate actively in the promotion and development of ports, substantial navigation development authority is, as noted, also vested in the Corps of Engineers under the Rivers and Harbors Act of 1920. Hence, Congressional and Executive policy generally requires the participation of both agencies in broad port development matters. In practice, port development is a joint function with State and local governments and private interests.

(2) The 1936 Act authorized the acquisition, lease and disposal of maritime facilities such as marine terminals, shipyards and reserve fleet sites.

(3) The Merchant Marine Act of 1970 redefined MARAD's role and expanded the scope of Federal programs to aid the U.S. merchant shipping fleet. The 1970 Act gives MARAD a mandate to assist the maritime industry in the areas of ship design and construction, promotion of the use of U.S. flag vessels and the development of intermodal transportation systems. The 1970 Act also provides ship construction and operation subsidies to mitigate foreign competitive advantages.

b. Organization. MARAD was established within the Department of Commerce in 1950. MARAD programs are implemented at the Washington level by a port development staff in the Office of Ports and Inter-modal Systems. The field organization consists of three regions as shown in Plate 3. Each region is headed by a Director who is responsible to the Assistant Secretary within his respective region. MARAD programs in the Bay-Delta area are administered in San Francisco from the Western Region Office, which comprises 15 western states.

c. Functions. Under its legislative mandate MARAD engages in the following activities:

(1) Maritime Aids. Direct financial assistance is extended to the maritime industry to aid and encourage U.S. flag operators to maintain a fleet capable of competing with foreign lines. Construction and operating subsidies are administered to offset the competitive advantages of foreign ship operators and shipbuilders. Besides direct subsidies, MARAD administers a tax-deferred capital construction fund and a Federal ship mortgage insurance program, to help American operators obtain capital to build new ships.

(a) Construction aid. Construction subsidies are based on the difference between U.S. and foreign shipbuilding prices. The 1970 Act broadened this form of aid, which was previously limited to liner vessels, to include all types of U.S. flag ships engaged in foreign trade. The new program includes a direct payment system to encourage shipbuilders to improve designs, reduce delays, and minimize costs.

(b) Operating aid. MARAD also administers an operating-differential subsidy. To offset the disparity between U.S. and foreign flagships. In return for operating aid, U.S. operators must agree to replace their ships in American shipyards and provide regular, adequate service in essential U.S. foreign trades. They must also agree to make their ships available to the government in the event of national emergency.

(c) Capital construction funds. Eligible operators with approved construction plans can deposit earnings from vessel operations, proceeds from the sale or loss of vessels, and vessel depreciation into tax-deferred funds to accumulate capital for ship development.

(d) Cargo preference. The 1970 Act officially established the Maritime Administration as the central authority for overseeing the administration of the cargo preference program. These require that a stated percentage of government-generated cargoes transported on ocean vessels be carried on American-flag ships. The types of cargo include: (1) Department of Agriculture surplus commodities; (2) Agency for International Development cargoes; (3) Export-Import Bank financed cargoes; and (4) Department of Defense cargoes.

(e) Mortgage insurance. Title XI of the Merchant Marine Act of 1936, as amended, authorizes the Maritime Administration to guarantee commercially-placed construction loans and ship mortgages on U.S. ships built in American shipyards for operation in foreign or domestic trades.

(2) Maritime Operations.

(a) Domestic operations. Prior to passage of the Merchant Marine Act of 1970, the Maritime Administration aiding vessel operations in U.S. foreign trade almost exclusively. The Act extended MARAD assistance programs to the domestic shipping industry.

(b) Reserve fleet. The Maritime Administration maintains a National Defense Reserve Fleet of about 600 merchant ships in four anchorages in the United States, including a site in the San Francisco Bay area at Suisun Bay. Each year a portion of the fleet, most of which was built during World War II, is sold for scrap. The others are preserved for reactivation during national emergencies.

(c) Emergency operations. The Maritime Administration directs the operation of merchant ships during national emergencies through the National Shipping Authority. The ships are operated by shipping lines who supply crews and supplies and oversee repairs. A joint Maritime Administration - Navy planning group continuously examines the capabilities of the privately owned and reserve fleets to respond to emergency sealift requirements. The Western Region of MARAD participates in emergency planning through liaison with the Twelfth Naval District.

(d) Ports and inter-modal systems. MARAD advises and assists port organizations in development of advanced port and terminal operations. The agency keeps ports abreast of the latest developments in shipping technology and methods, such as containerization and barge-carrying ships. MARAD is also studying the technical and economic feasibility of deepwater terminals to accommodate supersized vessels, and in general, endeavors to reduce restrictions on intermodal transportation systems. At the National level, it is the policy of MARAD to take a leading role in fostering regional port planning to rationalize public and private investment in future port facilities. To implement this policy, MARAD is actively supporting a coordinated regional approach to port planning on the West Coast. In the Puget Sound area MARAD participated in a regional port study funded jointly with the Washington Public Ports Association. Similar action has been taken in the San Francisco Bay area in conjunction with the Northern California Ports and Terminals Bureau, as described subsequently.

(e) Market development. Market development programs are conducted to promote use of the American-Flag Fleet. MARAD also assists U.S. steamship lines in expanding their marketing capabilities.

(3) Research and Development. MARAD conducts a large-scale research and development program aimed at increasing the productivity of the American shipping and shipbuilding industries.

(a) Two National Maritime Research Centers - one at the U.S. Merchant Marine Academy at Kings Point, N.Y., and the other at Galveston, Texas, provide facilities to facilitate standardized ship designs, identify and eliminate unnecessary and expensive ship construction, improve shipbuilding techniques and materials and develop automated shipyards. Ship operations studies include the development of new cargo-handling techniques, improved propulsion systems, satellite navigation and communications systems, and computer applications aboard ship. The Maritime Administration also operates the U.S. Merchant Marine Academy where merchant marine officers are trained. Specialized training courses are also provided to experienced seamen.

(4) Other Activities.

(a) Sales and transfers. The Maritime Administration administers the Ship Sales Act of 1946, which provides for disposal of ships no longer required for the national defense. Approximately 100 obsolete ships are disposed of in this manner annually. The agency is also responsible for granting approval to transfer U.S. ships to foreign flags. The types of ships which may be transferred are limited to those which are no longer required in the national interest.

(b) War risk insurance. MARAD also administers a war risk insurance program, which insures operators and seamen against losses as a result of hostile actions.

(c) International activities. The agency cooperates in international programs and meetings in such matters as prevention of pollution of the seas by oil, the liability for damage from nuclear powered ships, simplification of shipping documents, standardization of container sizes, improved safety and navigation regulations, and shipping agreements.

(d) Statistics. MARAD maintains statistical records on U.S. and world shipping and issues special studies and recurring reports on subjects of interest to the U.S. shipping community.

10. MILITARY TRAFFIC MANAGEMENT COMMAND

MTMC was established as a separate agency in the Department of Defense in 1965 to serve as the single-manager for the movement of military cargo for the Army, Navy, Marines, Air Force and Coast Guard. The name Military Traffic Management and Terminal Service was changed to Military Traffic Management Command in 1974.

a. Organization. The MTMC Western Area, with headquarters at the Oakland Army Base, is one of two area commands of MTMC, Washington. MTMC Western Area has subordinate ocean terminal commands at: the Military Ocean Terminal Bay Area (MOTBA) at Oakland; Pacific Northwest Outport at Seattle; and Southern California Outport at Long Beach.

b. Functions. The mission of MTMC is to provide military transportation needs in peace and war, with the emphasis on wartime readiness. It maintains plans for the operational readiness of ocean terminals and related transportation services under mobilization conditions. MTMC Western Area controls the movement of military cargo through the Pacific Coast ports, commercial as well as military. In the Bay Area, MTMC handles most military cargo via commercial carriers, principally the Sea-Land Company. MTMC operates MOTBA North, a four-berth terminal located on the north side of Oakland. Arrangements are being made to lease under-utilized terminals at Oakland Army Base.

11. MILITARY SEALIFT COMMAND

MSC was established in 1949 to provide ocean transportation for personnel and cargo for all components of the Department of Defense. Historically, MSC has provided a link between the military forces and the maritime industry in handling defense shipping.

a. Organization. MSC is headquartered in Washington, D.C., with four area commands including the Pacific Area Command headquartered in Oakland at the Naval Supply Center.

b. Functions. MSC provides ocean transportation for military cargo in government-owned or commercial vessels. MSC is staffed mostly by civilian personnel and it relies to a great extent upon the commercial maritime industry both in war and peacetime. The maritime reserve fleet at Suisun Bay, near Benicia, consists of MSC ships held in readiness for DOD use.

12. FEDERAL MARITIME COMMISSION

a. Creation and Authority. The Federal Maritime Commission was established in 1961 as an independent agency to regulate foreign and domestic waterborne shipping of the United States. The basic statutes defining the regulatory authority of FMC include the Shipping Act of 1916; Merchant Marine Act of 1920; Intercoastal Shipping Act of 1933; and the Merchant Marine Act of 1936. These statutes empower FMC to regulate the practices of common carriers by water in order to protect the interests of exporters and importers, vessel owners and operators, ports and the general public. The Commission is a quasi-judicial body and any final action it takes may be appealed to a United States Court of Appeals. Actions are commonly made in response to complaints about the actions of a water carrier, terminal operator, freight forwarder or other person subject to the Commission's jurisdiction.

b. Organization. The Commission is composed of five members, appointed by the President with the consent of the Senate. Commissioners are appointed for 5-year terms and not more than three members are appointed from the same political party. The President designates one member as Chairman, who serves as the chief executive and administrative officer. Agency headquarters are in Washington, D.C. with four district offices. The Pacific District office is located in San Francisco.

c. Functions. The responsibilities of FMC embrace two broad areas of commercial navigation: the regulation of shipping practices and assuring financial responsibility for water pollution clean-up.

(1) Regulation of Shipping Practices. As noted, the primary responsibility of FMC concerns the regulation of common carrier freight rates. FMC licenses ocean freight forwarders and maintains surveillance over services, practices, and agreements to assure equitable treatment to all segments of the maritime industry and the general public. Complaints of discriminatory rates and practices and other violations of shipping laws or FMC regulations are investigated and decided upon by administrative action, formal proceedings, referral to the Department of Justice, or by achieving voluntary agreement between the parties. One of the most important functions of FMC is the convening of steamship conferences, as authorized in the Shipping Act of 1916. These gatherings of competitive common carriers, terminal operators, and freight forwarders are designated to reach agreement on a common tariff. Conference agreements, known as "Section 15 Agreements," are granted immunity from the anti-trust statutes. Unlike Interstate Commerce Commission, Federal Maritime Commission does not have rate level control. Agreements are enforced to assure that common carriers charge only the rate on file. FMC is empowered to issue cease and desist orders and impose penalties. FMC also has broad authority to administer Section 8 of the Merchant Marine Act of 1920 which sets forth Congressional policy on the improvement and protection of ports. This law expressly provides that actions which are against the interests of ports are in violation of Section 8. This Congressional policy was enacted during a period when bulk vessels called at all major ports. It does not envision the conflicting interests of ports, vessel owners and operators with the advent of intermodal shipments of containerized cargo. Disputes between ports and shippers have occurred in recent years when container ships trans-shipped cargo overland by truck or railroad rather than calling at every major port. Shippers have found it less costly to by-pass certain ports and absorb land transport costs. FMC has reviewed 12 cases growing out of this practice. However, no general administrative rule has been issued to resolve such conflicts because of the myriad requirements in the shipping acts which FMC enforces. However, principles and guidelines are being formulated at the basis of cases presented to the Commission. On the West Coast, the Portland case constitutes a landmark decision serving as a guideline for the general problem of cargo diversion. In this instance container ships calling at Seattle, Washington bypassed Portland, Oregon. Portland appealed under Section 8 on the grounds that cargo diversion is detrimental to the port and the local economy. Federal Maritime Commission ruled that cargo destined for one port can be trans-shipped overland but established a requirement that stops must be made every other shipment.

(2) Financial Responsibility for Water Pollution Cleanup. FMC also administers a provision of the Water Pollution Control Act of 1970 (PL 95-500) requiring the owner or operator of every vessel over three hundred gross tons to establish and maintain evidence of financial responsibility for assuming the cost of removing oil discharged into navigable waters. Under Section 11(p)(1) of PL 95-500, vessels over 300 gross tons must be certified as financially responsible for \$100 per gross ton or \$14 million, whichever is lesser. Virtually all shippers

meet this requirement by insurance coverage. The 1970 Act was amended to give FMC additional authority to impose financial requirements for pollution of other hazardous substances. Administration of this provision hinges on the publication of a list of hazardous substances by EPA. Actual supervision of the cleanup is administered by the Coast Guard.

13. INTERSTATE COMMERCE COMMISSION (ICC)

a. Creation and Authority. ICC was created by the Interstate Commerce Act of 1887 and is the oldest of the independent regulatory agencies. This agency was established at a time when competitive battles between railroads led to rate abuses and other practices which had detrimental impacts on shippers, localities and industries. Through the years since enactment of the basic statute Congress has passed numerous major amendments which have strengthened ICC's authority and extended its regulatory jurisdiction to to other modes of transport.

b. Purpose. ICC was created to regulate interstate surface transportation to assure that the public has an adequate and efficient transportation system free from discriminatory practices which favor some shippers or localities at the expense of others. Transportation modes under its jurisdiction include railroads, trucking companies, bus lines, freight forwarders, water carriers, oil pipelines, transportation brokers, and express agencies.

c. Organization. The Commission's activities are directed by 11 Commissioners, appointed by the President and confirmed by the Senate. The Commissioners serve staggered 7-year terms so that no more than two terms expire in any one year. Only six Commissioners may be from the same political party. The Commission's field organization consists of 6 regional offices and 72 area offices.

d. Functions and Activities. ICC regulations encompass two categories: transportation economics and service.

(1) Transportation Economics. ICC settles rate controversies among competing and like modes of transportation, shippers and receivers of freight, and others. It rules upon applications for mergers, consolidations, acquisitions of control, and the sale of carriers and issuance of their securities. It prescribes accounting rules, awards reparations, and administers laws relating to railroad bankruptcy. It acts to prevent unlawful discrimination, destructive competition, and rebating. It also has jurisdiction over the use, operation, and exchange of railroad equipment. Under certain conditions, it is authorized to direct the handling and movement of traffic over a railroad and its distribution over other lines of railroads. The mechanics of ICC rate setting minimize administration of prices by the agency and place

substantial reliance on the determinations of privately owned carriers on the basis of prevailing competition and expected expenses and profits. After tariffs are filed, the Commission intervenes in comparatively few proposals, nearly always after a protest is received from the public or competing carriers.

(2) Transportation Service. ICC grants operating rights to trucking companies, bus lines, freight forwarders, water carriers, and transportation brokers. It approves applications to construct and abandon railroad lines. Carrier operations are regulated only to the extent they are in conformance with safety requirements, State size and weight limits, and licensing laws. Managerial decisions involving mergers and acquisitions are left entirely to the discretion of the carriers.

e. Overlapping Jurisdiction. The intermodal shipment of containerized freight in interstate commerce has brought into focus inadequacies in the existing regulatory structure. Intermodal shipment through the Bay Area ports involves four modes of transportation regulated by separate Federal agencies. In addition, shipments within California and not part of an interstate or foreign movement are regulated by the California Public Utilities Commission. Overlapping jurisdiction in the waterborne mode occurs between ICC and FMC. Although neither agency has a direct involvement in the planning of maritime facilities, the jurisdictional problems and administrative rulings of these regulatory commissions have an important effect on shipping operations. The basis for jurisdictional conflicts between FMC and ICC is that the statutes under which each independent agency operates were enacted for single mode transportation concepts long before intermodalism. With the advent of multi-modal systems the line of authority between them has become unclear. Each commission administers a different set of laws, rules and regulations for the ocean and inland portions of transport subjecting freight forwarders to successive regulation. FMC maintains that it should be recognized as the sole regulatory agency over the entire movement of a single shipment by an oceangoing carrier. However, ICC claims regulatory jurisdiction over trans-shipments to or from vessels and has issued cease and desist orders to freight forwarders who do not have ICC authority. ICC holds that FMC has regulatory control over intermodal operations while the services of an ocean carrier are used, and ICC has jurisdiction while containers are trans-shipped inland. On May 12, 1972, the two agencies issued a policy statement delineating their respective jurisdictions. As a result FMC has jurisdiction of domestic commerce over the high seas and ICC regulates foreign and domestic commerce rate levels and safety considerations inland to the gate of the terminal. ICC has permit authority and FMC implements regulatory functions through other administrative measures including cease and desist orders and tariff agreements reached by steamship conferences. In addition, ICC, FMC, and Civil Aeronautics Board, together with the Department of Transportation, have established an Interagency Committee on Intermodal Cargo (referred to as ICIC), to deal with matters affecting intermodal transportation such as cargo liability, bill of lading

standardization, and antitrust immunity. The ICIC provides a coordinating mechanism for the exchange of information on problems hindering inter-modal transportation. However, the existing administration of laws and regulations governing intermodal carriers continues to delay international shipments because of different documentation requirements, liability levels and rate quotations at each stage of the movement. Although various bills have been introduced in Congress to deal with regulatory jurisdiction over intermodal trade, none as yet has gained the support required for enactment.

14. ECONOMIC DEVELOPMENT ADMINISTRATION (EDA)

EDA was established in the Department of Commerce in 1965 to carry out provisions of the Public Works and Economic Development Act of 1965. This law authorizes Federal grants for public works and development facilities to alleviate unemployment in areas of persistent economic distress.

a. Organization. EDA programs in the Bay and Delta areas are administered by the Western Regional Office in Seattle.

b. Activities. EDA provides technical assistance and construction funds to develop improvements that will generate permanent employment. Financial aid is extended to areas in which the county-wide unemployment level is 50 percent higher than the national average. Consideration is also given to the existence of special urban problems such as the proportion of disadvantaged minorities in the population. EDA financial aid includes grants for public works as well as loans up to 65 percent for industrial and commercial expansion, and guarantees of up to 90 percent of associated working capital loans. EDA grants and loans have played an important role in the financing of port development in the Bay Area. More than \$25 million in EDA funds have been invested in port and related developments since 1965. Most of these funds were allocated to the Port of Oakland under various arrangements to cover all or part of the cost of port facilities. In the period 1966-1973, the Port of Oakland received \$23,600,000 in EDA funds divided as follows:

7th Street Terminal	\$10,000,000
Industrial Park	1,000,000
Cargo Terminal	500,000
T Hangar	100,000
World Airways Hangar	<u>12,000,000</u>
	\$23,600,000

The Port of Stockton received \$2,500,000 in EDA funds for the construction of container facilities, a warehouse and sewage facilities. In 1974 the Port of Stockton also received \$441,000 to purchase a new

crane. In 1972 the Port of Richmond received \$56,000 in technical assistance from EDA for a Port Facilities Development Study. ABAG reviews EDA-supported proposals to assure consistency with area-wide plans.

15. NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION (NOAA)

NOAA is the primary center of technical expertise in the oceanic, atmospheric and marine biological sciences and is charged with administering a far-reaching national program concerned with the management of coastal resources. The agency was formed within the Department of Commerce in 1973 by combining existing environmental science, oceanographic and marine fisheries organizations.

a. Authority. The principal functions of NOAA are authorized in provisions of the U.S. Code dealing with the National Weather Service, the National Ocean Survey, the National Marine, Fisheries Services, and in the Coastal Zone Management Act of 1972. The latter act has a significant bearing on port development in that it supports a strong state role in a comprehensive planning process designed to rationalize competing coastal land and water uses.

b. Organization. The expertise of NOAA covers a wide spectrum of technical input related to navigation planning. The National Ocean Survey charts coastal waters, monitors and predicts tides and tidal currents, tests new oceanographic sensors, and is developing a system of automated ocean data buoys. The Environmental Research laboratories conduct programs aimed at improving understanding of the physical processes and mineral resources of the marine environment. The National Marine Fisheries Service conducts broad research and service programs aimed at improving comprehension and uses of the ocean's living resources. The National Weather Service provides a wide variety of marine and oceanographic reports and forecasts, and transmits timely warnings of natural hazards. The Environmental Data Service manages and processes marine environmental data. The National Environmental Satellite Service is developing ways to monitor events in the global ocean from the vantage point of space. The Office of Sea Grant provides assistance to educational institutions and states, principally for research and advisory services to aid in planning marine activities.

c. Coastal Zone Management. As authorized in the Coastal Zone Management Act of 1972 (PL 92-583), NOAA administers a new Federal program designed to encourage and assist coastal states to develop and administer coastal zone management programs. The Act requires an annual report to Congress on the development of a national coastal zone management strategy and calls for the coordination of Federal coastal activities and State management programs through the Secretary of Commerce. In general, all Federal activities, licenses and permits are to be consistent with the State program. Both the California Coastal Zone Commission and the Bay Conservation and Development Commission preceded the NOAA program and are regarded as models. Financial grants have been

provided to each on a matching basis to help fund continued implementation of the State-wide and Bay Area programs. Jurisdictional problems have arisen and NOAA has assumed a coordinating role to assure the consistency of Federal coastal activities, using Memoranda of Understanding as an informal coordinating mechanism. Largely at the urging of the Navy, defense lands have been excluded from CCZC and BCDC coastal zone management jurisdiction in the interest of national security. MARAD has signed a Memorandum of Understanding detailing MARAD's role of technical assistance in the review of port development aspects of Coastal Zone Management. The regulatory jurisdiction and Civil Works Program of the Corps of Engineers interacts with the State and BCDC Coastal Zone managements programs, requiring close and continuing coordination.

16. ENVIRONMENTAL PROTECTION AGENCY (EPA)

EPA is an independent regulatory agency established by the Executive Branch pursuant to the provisions of the National Environmental Protection Act of 1970.

a. Organization. The administrator of EPA is responsible to the President. EPA is organized into 10 regions each of which is under a Regional Administrator responsible for accomplishing national environmental protection objectives. The study area is under the jurisdiction of Region IX in San Francisco.

b. Functions and Activities. EPA was created to coordinate and initiate governmental action to abate and control pollution. A variety of research, monitoring, standard setting and enforcement activities are involved. Two laws enacted in 1972 prescribe important regulatory responsibilities for EPA related to the dredging of navigation channels.

(1) Marine Protection, Research and Sanctuaries Act of 1972 (Ocean Dumping Act). Under this act, EPA is responsible for developing criteria which the Corps of Engineers applies in issuing permits for the disposal of dredged material. If EPA disagrees with the manner in which the Corps has interpreted and applied the criteria, the EPA interpretation of the criteria prevails. The Corps cannot issue a permit that does not comply with the criteria unless a waiver is obtained from EPA. If no prescribed disposal site is available under the criteria and it is infeasible to use other sites, the Corps may request a waiver of the criteria. EPA may grant a waiver unless it finds that such disposal would result in an unacceptable adverse impact. Permit criteria also apply to dredge disposal by the Corps. If the dumping operation is non-Federal and is within the three-mile limit of State jurisdiction, certification of the San Francisco Regional Water Quality Control Board is required.

(2) Federal Water Pollution Control Act Amendment of 1972. This act applies to dredging in inland waters. Under the Act the Corps has authority to issue permits and must specify a disposal site for each permit which complies with guidelines developed jointly by the Corps and

EPA. These guidelines are based on the effect of disposal on the marine ecosystem, economic considerations and alternate means of disposal. EPA may deny or restrict the use of any disposal site if the disposal of dredged material would have an unacceptable adverse effect.

In 1972 the San Francisco Regional Water Quality Control Board adopted a resolution providing that the original EPA dredge disposal guidelines (Jensen Criteria) would be used in reviewing permits. These standards require that spoils polluted with heavy metals be disposed of at the 100-fathom line (30 miles beyond the Golden Gate). In 1973 this requirement was applied to the deepening of Oakland Inner Harbor by the Corps of Engineers. The Corps pointed out that implementation of such environmental standards would jeopardize completion of the project and have adverse economic and social consequences. The California Marine Affairs and Navigation Conference and others also testified on the consequences of these criteria. The ruling was subsequently modified to give consideration to economic and social factors as well as the disposal criteria.

(3) Regional Criteria. In the aftermath of the problems created by applying the Jensen Criteria in 1972, EPA Region IX modified its stringent dredging regulations and adopted interim regional criteria giving consideration to effluent criteria and volumetric averaging in addition to bottom sediment analysis. These standards are currently being revised. In conjunction with a search for workable guidelines the Corps has conducted a major study to determine cause and effect relationships between dredge material disposal and specific environmental effects.

17. U.S. FISH AND WILDLIFE SERVICE

This agency was established in the Department of the Interior in 1940 to administer Federal programs pertaining to the conservation, use, understanding and enjoyment of fish and wildlife resources. Under the provisions of the Fish and Wildlife Coordination Act of 1958, it is charged with reviewing water development projects, preparing reports on the effects on fish and wildlife resources and recommending mitigation and enhancement measures.

a. Organization. In various forms, fish and wildlife agencies have existed in the Federal Government since the late nineteenth century. The Fish and Wildlife Service is presently divided into regions which are subdivided into several divisions. Navigation activities fall within the jurisdiction of the Division of Ecological Services. As shown in Plate 4, the Sacramento Area Office has prime responsibility in the Bay Area and it is under the Portland Regional Office.

b. Operating functions of the Fish and Wildlife Service include production and distribution of hatchery fish, operation of a system of wildlife refuges, regulation of migratory bird hunting, assisting the states in the management of fish and wildlife populations by scientific



LEGEND



REGION I OFFICE

--- AREA BOUNDARIES

SAN FRANCISCO BAY AREA IN-DEPTH STUDY
INSTITUTIONAL INVENTORY

**ADMINISTRATIVE BOUNDARIES
U.S. FISH AND WILDLIFE
SERVICE, REGION I**

U.S. ARMY ENGINEER DIST., SAN FRANCISCO, C OF E
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research, and administration of programs to protect endangered species. All programs are conducted in cooperation with other Federal agencies and State fish and game agencies. The Division of Ecological Services reviews environmental impact statements and evaluates plans for water development projects proposed by Federal and non-Federal agencies for the probable effects of such projects on fish and wildlife resources and recommends enhancement and mitigative measures. Emphasis is placed on conservation of wetlands, coastal and estuarine areas and development of comprehensive river basin plans which consider future recreational needs based on fish and wildlife. In navigation projects, plans are reviewed to prevent or minimize any adverse impact of dredging and the placement of dredged material. In most cases the disposal of dredged materials at upland sites or at sea is encouraged to preserve marshland and estuarine areas for wildlife habitat.

c. Jurisdiction. The jurisdiction of this agency coincides with the Corps in that it extends to the navigable waters of the United States. Under the Fish and Wildlife Coordination Act, any action proposed to be undertaken in navigable waters must be coordinated with the Service. Office and field studies of resources in the project area are conducted and an advisory report is prepared. The Act is permissive in that it does not require implementation of the recommendations; however, it does require that fish and wildlife be given full and equal consideration with other project purposes. Further review authority is contained in the National Environmental Policy Act under which Environmental Impact Statements are reviewed.

18. BUREAU OF CUSTOMS

a. Creation and Authority. The Bureau of Customs, created in the Treasury Department in 1789, is charged with collecting duties on imported goods under the Tariff Acts and enforcing numerous laws affecting the clearance of vessels at designated ports of entry. For all practical purposes, the Bureau of Customs is the most important regulatory agency affecting inbound cargo because it has primary control over the entry of all foreign merchandise imported into the U.S.

b. Organization. The agency is organized into enforcement districts, each under a district director. The San Francisco Bay Area falls within Region 8 and District 28. The San Francisco Port of Entry, in which Customs provides inspection service, extends along the coastline from Monterey Bay on the south to the Oregon border on the north, and inland to the Sierra Nevada mountains.

c. Functions. The primary responsibility of the Bureau of Customs is to collect duties, taxes and fees on imported merchandise. Customs agents supervise the discharge of cargo, determine the quantities of imported goods, and assess and collect duties. In connection with the entrance and clearance of vessels, the Bureau of Customs also acts as an enforcing agent for many other government agencies involved with shipments into or out of the U.S. and may hold up the movement of vessels

pending compliance with regulations. This enforcement function is performed by requiring the submission of various certificates and reports before a vessel may clear. The Bureau of Customs also reviews the establishment, and supervises the operations of Foreign Trade Zones. (See Paragraph 20.)

19. DEPARTMENT OF AGRICULTURE

Two agencies in the Department of Agriculture have regulatory functions affecting commercial navigation. These are the Board of Plant Quarantine and the Branch of Animal Industry.

a. Board of Plant Quarantine. Under the Plant Quarantine Act of 1912 this Board is authorized to restrict the importation of plants to prevent the introduction of insect pests and plant diseases. The Board also established rules and regulations governing inspection and certification of exported plant products to meet the sanitary requirements of foreign countries. The Bureau of Customs and the Coast Guard are authorized to aid in the enforcement of such regulations.

b. Branch of Animal Industry. Similarly, this office restricts the shipment of livestock at ports to guard against the introduction or spread of animal diseases. Vessels carrying livestock or restricted animal products on board may not be cleared by Customs until a notice of inspection by the Branch of Animal Industry is filed.

20. FOREIGN TRADE ZONES BOARD

Foreign-trade zones are special facilities, located in terminal warehouses or industrial parks, in which the usual formal customs entry procedures and payment of duties on entering foreign goods are deferred until they are shipped for domestic consumption. Goods manufactured in the zone with imported foreign parts or components and which are re-exported are not subject to U.S. Customs duty. The purpose of such facilities is to mitigate the restrictive effects of customs laws on foreign trade. By reducing Customs costs, an incentive is provided for firms engaged in international trade to locate and expand in the United States. The establishment of such areas is authorized in the Foreign Trade Zones Act of 1934 (19 USC 81), the provisions of which are administered by the Foreign Trade Zones Board. Day-to-day operations of such areas are supervised by the District Director of Customs.

a. Foreign Trade Zones Board. This three-member board has authority to determine the public interest in establishing foreign trade zones. The Secretary of Commerce serves as chairman and the other members are the Secretary of the Treasury and the Secretary of the Army. The Board is authorized to approve licenses permitting the formation and operation of zones in which merchandise may be brought in without being subject to customs laws governing entry or payment of duties. The Foreign-Trade Zones Board has no authority to finance zone projects. Approval of zones proposals is in the form of a grant to authority for operating a facility under regulatory procedures.

b. Examiners Committee. Proposals to establish foreign trade zones are subject to field-level review by an Examiners Committee comprised of representatives of the Department of Commerce, Bureau of Customs and the Corps of Engineers. It is the Foreign Trade Zone Board's policy to require that a public agency sponsor formation of the zone and the Act requires that it be operated as a public facility. Zones can be authorized only for sites that are in or near U.S. Customs ports of entry. Facilities must be designed to satisfy Customs security requirements; operating expenses, including the cost of Customs services, are shared by zone tenants. In reviewing an application, the need for this type of service is evaluated, including the prospect of generating employment, in the port area, related to industrial development. Zone benefits are intended to be public in the sense of stimulating desired economic activity. Coordination of foreign-trade zone projects with local economic development programs is encouraged and EDA funding is possible if a public works project is involved.

c. Bay Area Zones. The existing San Francisco Foreign Trade Zone is among the oldest in the nation. The San Francisco zone consists of two general purpose sites designated Foreign-Trade Zone No. 3. A special purpose subzone (Foreign-Trade Subzone No. 3A) is located within a plant owned and operated by the Lilli Ann Corporation. In 1975 a foreign-trade zone was established in an international business industrial park in the City of San Jose. The Port of Oakland has had a continuing interest in establishing a Foreign Trade Zone. However, inasmuch as the emphasis is on container operations for immediate trans-shipment, the Port of Oakland has not found a sufficient need to apply for such a facility.

d. Potential Impacts. The authority vested in the Foreign-Trade Zones Board enables this body to play an important role in port-related industrial development. Locating at such sites gives a wide range of processing and light manufacturing industries with high custom costs a competitive advantage and provides a stimulus to industrial park development.

21. BUREAU OF LAND MANAGEMENT (BLM)

This agency, situated in the Department of Interior, has jurisdiction over mineral production and handling operations in submerged Federal lands, operating principally under the Outer Continental Lands Act of 1953. In California, proposed developments within the three-mile limit fall under the jurisdiction of the California State Lands Commission (see Page 72). BLM is authorized to grant licenses for off-shore drilling and pipeline rights-of-way for the transportation of gas and oil. Applications are reviewed to assure compliance with existing regulations and to assure the prevention of waste and conservation of the natural resources of the Outer Continental Shelf.

22. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)

HUD provides grant assistance to State and local governments to improve community planning and development. Funding and technical assistance spans a broad range of activities, services and investments. Under the Model Cities program authorized in Title I of the Demonstration Cities and Metropolitan Development Act of 1966, a selected number of cities throughout the country are provided with grants and loans to prepare a comprehensive plan for the improvement of blighted areas. This program calls for a community master plan including physical, economic and social components. (The City of Richmond was one of the first cities to be designated for assistance under the Model Cities program and as part of this effort HUD has provided financial assistance for the maritime planning efforts of the Port of Richmond. Funds were made available jointly with the Economic Development Administration for a consulting study of the feasibility of developing a container facility. MARAD has played a role in the technical review of the study proposal, the Corps of Engineers has evaluated the results in an analysis of channel requirements, and ABAG has reviewed the concept in relation to regional planning criteria.)

SECTION III - ROLE OF LOCAL INSTITUTIONS

23. GENERAL

Although control of navigable waters is pre-empted at the national level, the Federal Government has otherwise avoided assuming responsibility for port development, leaving ownership and operation largely to local institutions. Traditionally, projects have been proposed and advanced through the interaction of local and Federal interests, with the State having a minimal review role and liaison with regional agencies concerned with impacts coming into play only recently. With the formation of regional institutions such as the Bay Conservation and Development Commission and the Metropolitan Transportation Commission, redefinition of the procedures and concepts underlying local project development is in process.

24. The organizational structure of ports in the Bay and Delta areas varies considerably. Most of the major ports are municipally-owned and are administered by independent port commissions under city charter provisions enabling each port to operate with substantial autonomy. Included in this category are the ports of San Francisco, Oakland, Richmond and Redwood City. The ports of Stockton and Sacramento are similarly constituted as port districts administered under provisions of special State enabling legislation. In addition, a number of public ports in the Bay Area are privately-owned and operated. Included in this category are Benicia Terminal, Encinal Terminal, and Howard Terminal. Substantial port activity is also carried out at several sites

by the Federal Government for military and non-military purposes. Many specialized port facilities are also owned and operated by private interests for industrial purposes.

The location of major ports in the San Francisco Bay Area is shown on Plate 1 and each is discussed as follows:

25. PORT OF SAN FRANCISCO

The Port of San Francisco was the first port established on the West Coast. In 1968, after 105 years of State ownership and operation, it was transferred in trust from the State to the City and County of San Francisco under the Burton Act (Chapter 1333, Statutes of California, 1968).

a. Authority. The port is presently organized and operated under Sec. 3.580 of the Charter of the City and County of San Francisco, and Sec. 3.16 of the Administrative Code which relates to the port financial matters. As provided in the Charter, the San Francisco Port Commission consists of five members appointed by the mayor and confirmed by the Board of Supervisors. Management of the port is administered by a port director appointed by the Mayor upon the recommendation of the Commission. Unlike the Port of Oakland, which has virtually complete autonomy, fiscal actions of the San Francisco Port Commission are subject to review and approval by the Board of Supervisors. At the urging of the Mayor's Port Committee in 1973 an ordinance was approved giving the port limited budgetary autonomy. Previously the port budget was subject to line item review and funds could not be transferred without prior approval. However, submission of the budget and justification of expenditures are still required.

b. Port Area. The area under the jurisdiction of the Port of San Francisco is shown in Plate 5. This boundary line establishes port commission control over property within it and is embodied in Section 1770, Harbors & Navigation Code, 1961. Within the port area, the port commission possesses broad powers to regulate the development and use of waterfront property in accordance with a master plan, building code and other rules and regulations.

c. Burton Act. The state law transferring the port from the State to the City and County of San Francisco is known as the Burton Act. This law requires the expenditure of \$100 million in 25 years for maritime construction, half of that in the first 10 years. The act specifies that the primary consideration in developing non-shipping port property is obtaining the greatest amount of revenue.

d. Mayor's Port Committee. In June 1973, a fifteen-member committee conducted hearings on improving the competitive position of the Port of San Francisco. The Committee questioned the advisability of assuming the level of bonded indebtedness required by the Burton Act without regard for fiscal and physical planning considerations. The

Committee also stated that development of non-shipping port property should be based on the community's total economic, recreational and aesthetic requirements.

26. PORT OF OAKLAND

The Port of Oakland is owned by the City of Oakland and is administered as an independent agency of the City under the direction of a seven-member Board of Port Commissioners formed in 1927. Oakland has operated a public harbor to serve waterborne commerce since the city was incorporated in 1854. The Board of Port Commissioners is responsible for the operation and development of marine terminal facilities, Oakland International Airport, the Port of Oakland Industrial Park, and Jack London Square. The Port of Oakland is the only agency in the Bay Area which maintains both marine and airport facilities.

a. Authority. The basic statute under which the port operates is a new Charter adopted by the City of Oakland in 1969. Provisions relating to the Port of Oakland are found in Article VI. Within the provisions of the Charter the port is operated as a proprietary rather than a governmental function and the Port Commission operates with an autonomy comparable to the board of directors of a private corporation. Members of the Port Commission are appointed by the City Council upon nomination by the Mayor. Each Commissioner serves for a term of four years with termination of office staggered to assure continuity of port business and policy. The offices of president and first and second vice president are rotated annually.

Under the Charter the Port of Oakland is independent of the City of Oakland except in three respects:

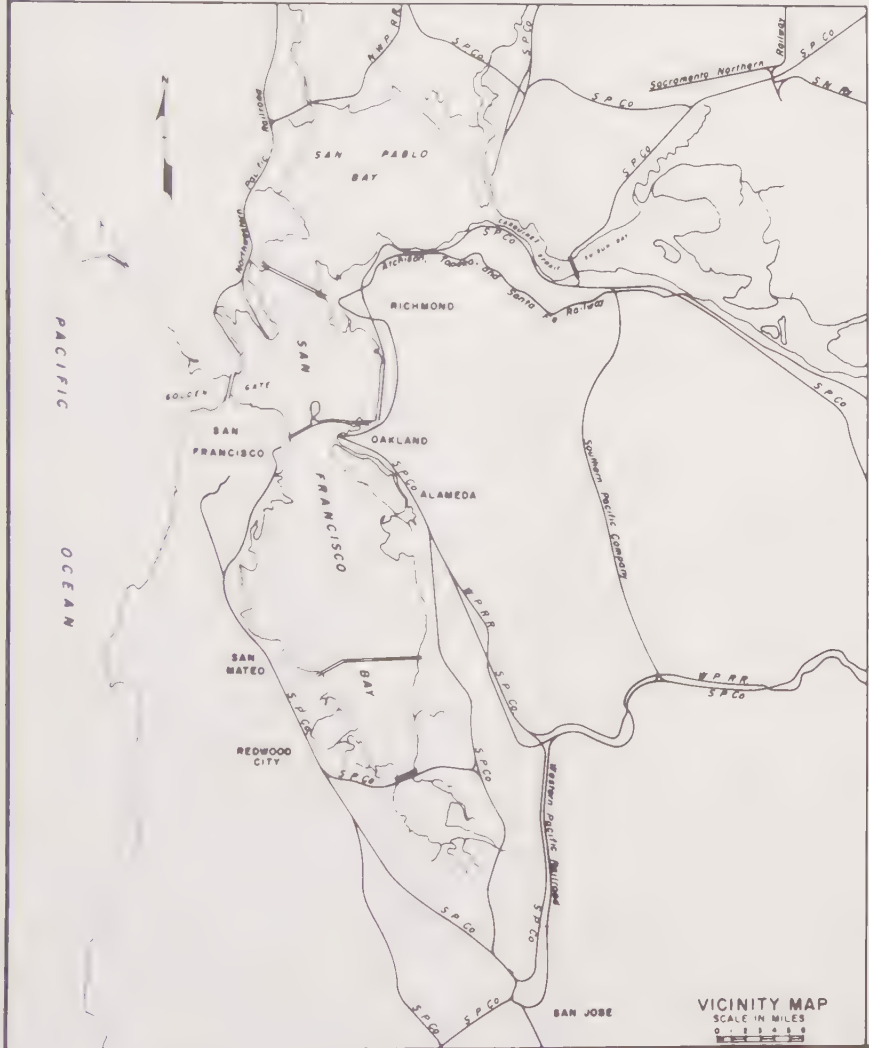
(1) port revenues are deposited with the city Treasurer, subject to exclusive management and disbursement by the Port.

(2) The Port budget is subject to City Council review if the port requests City general tax funds.

(3) Land use within the Port Area must comply with the City General Plan.

A proposed charter amendment which would have brought the port under city control was defeated in 1972. More recently there have been efforts to divert port revenues to the city's general fund.

b. Port Area. The Port Area over which the Port of Oakland has control and jurisdiction is located south of San Francisco-Oakland Bay Bridge and includes all of the waterfront of the City of Oakland and the whole of Oakland International Airport, as shown in Plate 6. Within the Port Area the port is its own legislative body, having complete and explicit authority to enforce rules and regulations for port purposes and harbor development.



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27. PORT OF REDWOOD CITY

The Port of Redwood City is owned by the City of Redwood City and is directed by an independent Board of Port Commissioners who appoint a Port Manager to administer port operations.

a. Authority. Legal authority to establish, organize and operate the Port is contained in Sections 47 to 50 of the city charter. The Port Commission acts as a legislative body with exclusive power to adopt ordinances and resolutions controlling the development and operations of the port area. Charter provisions empower the Port Commission to exercise the right of eminent domain, levy taxes, issue bonds, issue building permits within the port area, and license public utilities operated in the port area. The City Council is expressly prohibited from taking actions in the port area without the approval of the Port Commission.

b. Port Area. The Port Area over which the Port Commission has jurisdiction is located on the western side of San Francisco Bay about 20 miles south of San Francisco and includes all property fronting on Redwood Creek or its tributary streams, or the area of San Francisco Bay lying within the corporate limits of the City. The Redwood City Port Area is shown in Plate 7.

The Redwood City Port Commission is preparing a master plan for the expansion of port facilities. The plan would provide for deepening of the bay channel and further use of the port area for water-oriented industries. Agreements regarding these changes would be required with the Corps of Engineers, BCDC, and the State Water Quality control Commission.

28. PORT OF RICHMOND

a. Authority. The Port of Richmond is owned by the City of Richmond and administered under Chapter 3.36 of the City Charter.

Unlike other ports in the area, policy-making and management are integrated with the municipal government. Members of the City Council serve as both City Councilmen and Port Commissioners. Port functions are organized as a branch of the municipal government, with the Port Director serving under the direction of the City Manager.

b. Port Area. The Port Commission has jurisdiction and power to operate port facilities and related lands within the corporate limits of the City of Richmond, as shown in Plate 8.

The Port of Richmond is a non-operating port and marine terminals are operated by five major lessees, principally Parr Richmond Terminal Company. The Port of Richmond plans to sever its relationship with the private firms operating its terminals and assume responsibility for overall planning and development of the Port of Richmond.

A preliminary economic feasibility study to determine the potential for port facilities was funded jointly by the Economic Development Administration, the City of Richmond, the Santa Fe Railroad, and the Contra Costa Development Association and submitted in August 1972. A master plan for the Port of Richmond adopted by the City Council in 1974 proposes the redevelopment of a 980 acre area for port, industrial and commercial and recreational activities. HUD is supporting the proposal and BCDC is preparing a Special Area Plan for this area as part of its Bay Plan studies.

29. PORT OF SACRAMENTO

The Port of Sacramento is owned and operated by the Sacramento-Yolo Port District, formed in 1947 to undertake the responsibilities of local interests in connection with navigation facilities constructed by the Corps of Engineers. Since 1963 the port has operated primarily as a bulk facility, handling rice, grain, woodchips and logs for export shipment. Fertilizers are a significant import product. The port is attempting to increase its activities in general cargo and containers, and operates a barge service for the transportation of containers from Bay area terminals to Sacramento. The Port Area under the jurisdiction of the Port of Sacramento is shown in Plate 9.

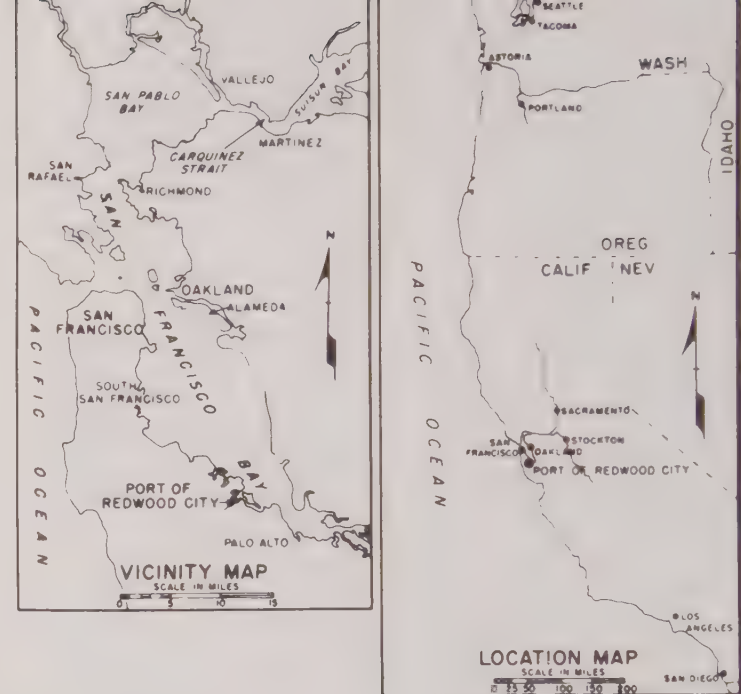
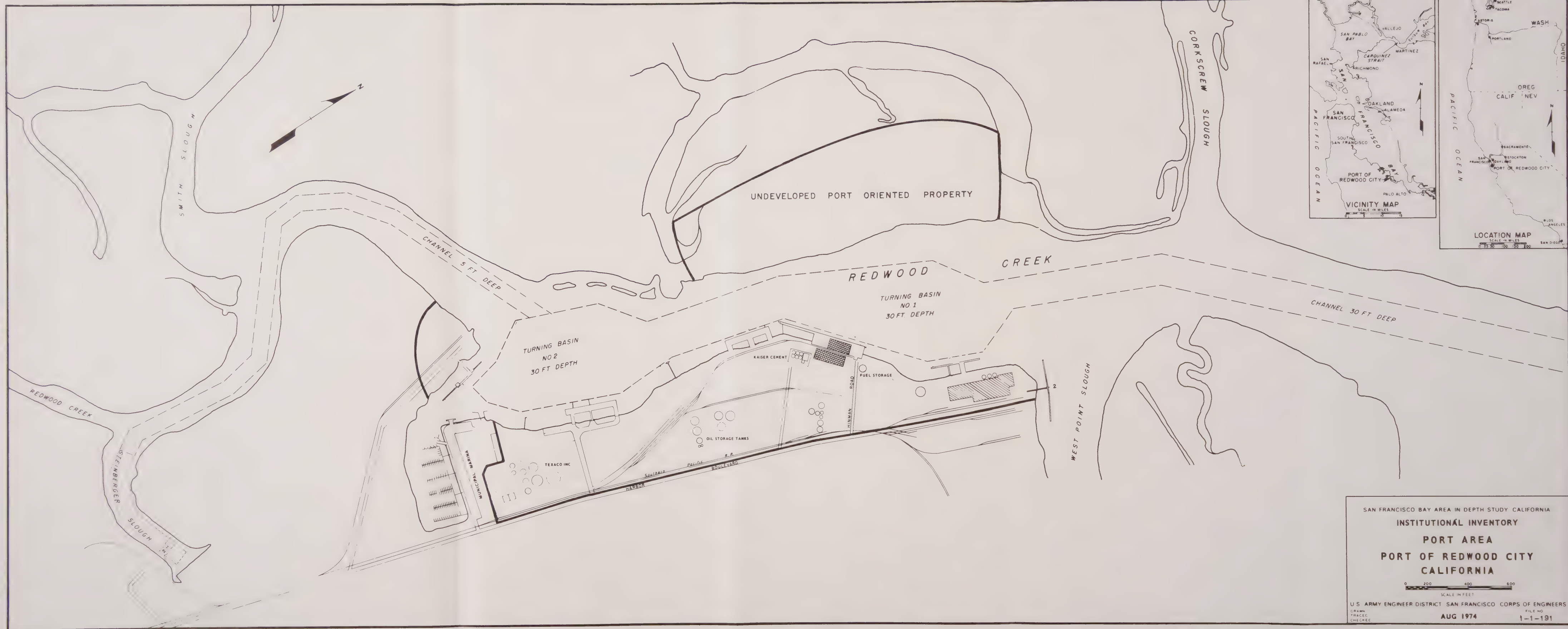
Activities of the District are governed by a five-member Port Commission who serve without compensation. The Commission is the policy setting body and appoints a Port Director to manage the operation of the port. The principal objective of port policies is to foster diversified economic growth by opening the Sacramento metropolitan area to world markets.

The enabling act provides for appointment of two Commissioners by the Sacramento County Board of Supervisors, two by the Sacramento City Council, and one by the Yolo County Board of Supervisors. Commissioners are appointed for four (4) year staggered terms.

The Board of Elections consists of two Sacramento County Supervisors, two Sacramento City Councilmen, and one Yolo County Supervisor. The members of the Board of Elections are designated by their respective bodies. The Board selects the Chairman of the port Commission from among the members of the Commission. The Board also selects the auditor and fixes his compensation.

30. PORT OF STOCKTON

The Port of Stockton is located in the Delta on the San Joaquin River 75 miles inland from the Golden Gate. The port was created in 1933 under the California Harbors and Navigation Code (Sections 6200 to 6372), an enabling act authorizing the formation of Port Districts and providing for the organization, jurisdiction and powers of a Board of Port Commissioners.



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a. Board of Port Commissioners. The district is governed by a five-member Board of Port Commissioners. Two commissioners are appointed by the Stockton City Council, two by the San Joaquin County Board of Supervisors, and a chairman is appointed jointly. The Board serves as a policy-making body and appoints a Port Director to administer district operations.

b. Jurisdiction and Powers. The port is entirely within San Joaquin County and the City of Stockton and is operated as an autonomous political sub-division separate from either entity. The port area is shown in Plate 10. Within this area the port is empowered to establish a general plan of harbor improvements and to prescribe and control development. Within the port district boundaries it may exercise the powers of a municipality including:

- (1) The power of eminent domain;
- (2) The power to incur bonded indebtedness;
- (3) Exclusive jurisdiction over the pilotage of sea-going vessels;
- (4) The power to enter into cooperative agreements with other governmental entities;
- (5) The power to regulate and control the construction, maintenance and operation of transportation and navigation improvements; and,
- (6) The power to perform terminal operating functions.

c. Relationship with Regional Planning Agency. The Port of Stockton is not within the jurisdiction of BCDC, ABAG or the Coastal Zone Commission. However, it lies within the jurisdiction of the San Joaquin County Council of Governments, an area-wide association of local agencies discussed subsequently. The Port of Stockton is participating in the comprehensive transportation planning efforts being conducted by the subsidiary Regional Transportation Planning Agency.

SECTION IV - ROLE OF THE STATE OF CALIFORNIA

31. GENERAL

The State of California has long exercised influence over navigation and related development along the California coastline through such measures as the enactment of enabling legislation creating local port agencies; the granting of large blocs of State lands and tidelands to cities and counties for harbor and port development; the regulation of

intrastate common carriers and pipelines; and the allocation of funds for transportation development. Traditionally, however, the initiating role in planning commercial navigation development has been delegated to the local level with the State retaining an indirect supporting and review function.

32. More recently, significant changes in the role of the State in planning commercial navigation development have been introduced by programs to formulate and implement a State Transportation Plan and a State Coastal Plan. These efforts are State-wide in scope and are being implemented by agencies with broad authority to relate proposed transportation facilities to comprehensive regional guidelines intended to support and enhance the economic, social and environmental goals of the State, its regions, and its communities. In addition, several other State departments, agencies, boards and commissions have important responsibilities which pertain to proposed navigation facilities, as discussed in the following paragraphs.

33. CALIFORNIA LEGISLATURE

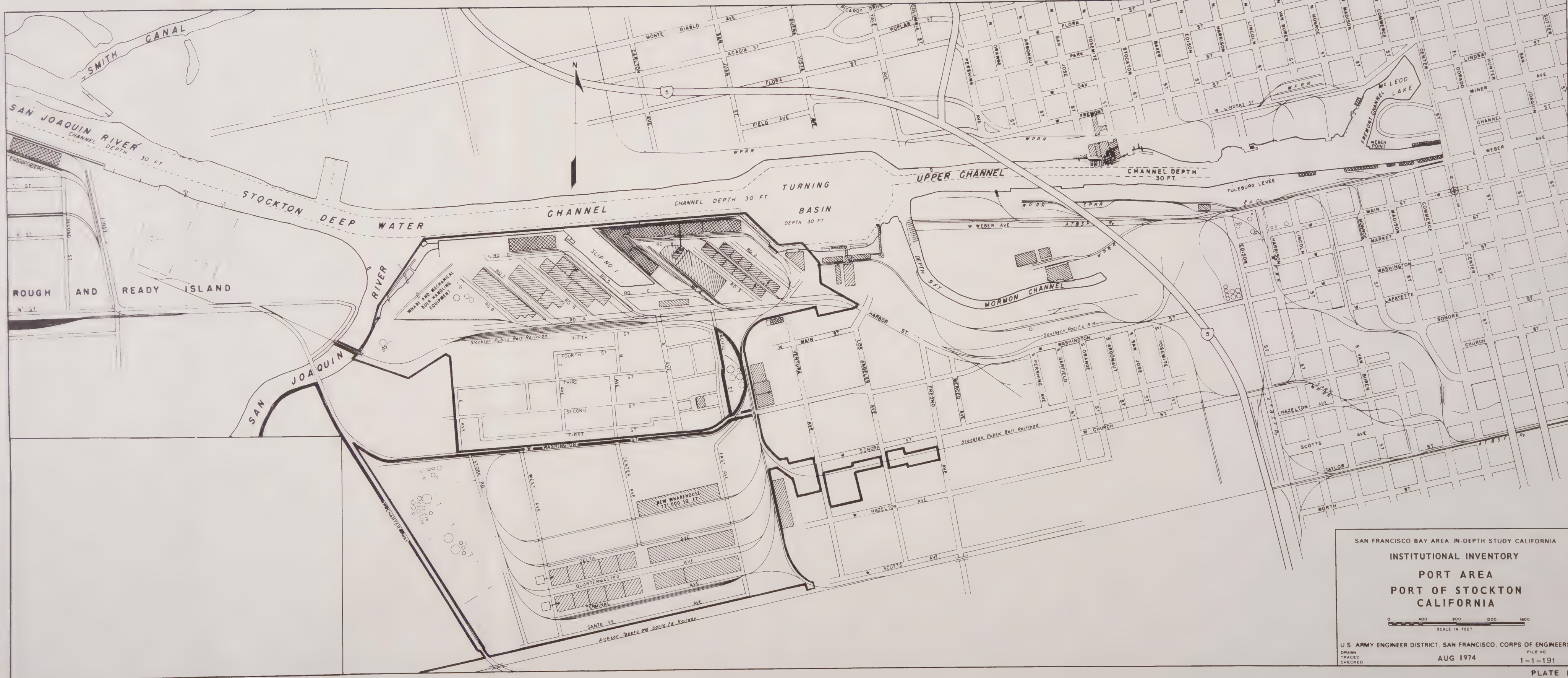
Although the State has traditionally played a limited role in navigation planning and development, recent actions of the California Legislature have redefined the role of the State, especially in relation to state-wide transportation planning and coastal zone management. AB 69 created the State Transportation Board and charged Caltrans with preparing a State Transportation Plan, including a water transportation element. The California Coastal Commission has also assumed new authority reflecting the State's interest in this field. In addition, Select Committees of the Assembly and Senate continue to hold hearings and conduct studies on maritime development.

34. RESOURCES AGENCY

The Resources Agency is an umbrella agency in the Executive Branch which plays a key role in formulating State policies regarding the management and use of California resources. This office is headed by the Secretary, an appointee of the Governor.

The Secretary exercises general supervision over major State departments, boards and commissions which are essentially independent units and is responsible for bringing diverse programs together to accomplish long-range, coordinated planning of air, water, land and related resources in the public interest.

The Agency consists of the following departments: Conservation; Fish and Game; Navigation and Ocean Development; Parks and Recreation; and Water Resources. Also included are the following boards and Commissions: State Water Resources Control Board; Solid Wastes Management Board; the Reclamation Board; the Air Resources Board; the nine Regional Water Quality Control Boards; the Colorado River Board; the State Lands Commission; the San Francisco Bay Conservation and Development Commission; and, effective 1 January 1977, the Coastal Commission.



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Under the California Environmental Quality Act, the Resources Agency is delegated responsibility for formulating state-wide environmental guidelines which are implemented by State and local agencies. Enforcement of the guidelines is referred to the Attorney General.

The statutory authority of the Resources Agency involves constituent units of the agency in a review of proposed maritime developments to evaluate the effect on air, water quality, fish and wildlife and other resources. In the event of conflicts among State agencies reflecting special areas of expertise and concern, the Secretary adjudicates the differences and advises the Governor on the adoption of State policy.

35. OFFICE OF PLANNING AND RESEARCH (OPR)

OPR performs a state-wide long-range planning function and is responsible for coordinating the planning efforts of State, local and Federal agencies. This agency was established in the Governor's office in 1970, succeeding the abolished Office of State Planning. The basic authority of OPR is defined in AB 2070 (Chapter 1534 Stats. of 1970) which is incorporated in the Government Code (Section 6500 et seq.).

OPR has two legislative mandates: (1) to prepare and submit to the Governor an Environmental Goals and Policy Report for transmittal to the State Legislature; and, (2) to formulate a State land use policy. An environmental report was completed in June 1973 and efforts to set in motion a definitive land use policy and program are underway. OPR has no enforcement or implementation powers in either the environmental or land use areas. However, under the California Environmental Quality Act, OPR is authorized to resolve lead agency disputes in connection with the preparation of Environmental Impact Statements. The lead agency consults with all other agencies in preparing required environmental documents; reaches a finding on whether proposed developments have a significant environmental effect; and certifies that the environmental report is completed. OPR has adopted procedures for resolving conflicts among potential lead agencies.

36. STATE TRANSPORTATION BOARD

This Board is a policy-making body appointed by the Governor with the advice and consent of the Senate. The principal responsibility of the board is to advise and assist the Secretary of the Business and Transportation Agency and the Legislature in formulating State policy and plans for transportation programs within the State. The board monitors progress on the implementation of the California Transportation Plan pursuant to the review and adoption of an official plan for the development and operation of a State-wide multi-modal system.

37. In April 1973 the Board adopted guidelines for the preparation of Regional Transportation Plans. An essential purpose of the guidelines is to promote uniform application of the latest transportation principles

and to promote uniformity to the extent that regional plans can be combined into an integrated state-wide system. However, the guidelines recognize that a diversity of conditions exist among the planning regions within California and that it is probable and desirable that a variety of solutions to transportation problems will be proposed and adopted. The guidelines stress the importance of: citizens' involvement and participation throughout the planning process; planning through local levels to the regional and State levels; concern for environmental protection; and the development of an implementation plan to carry out the regional consensus. The guidelines also declare that it is the intention of the Board to build upon existing planning programs to meet the requirements of AB 69.

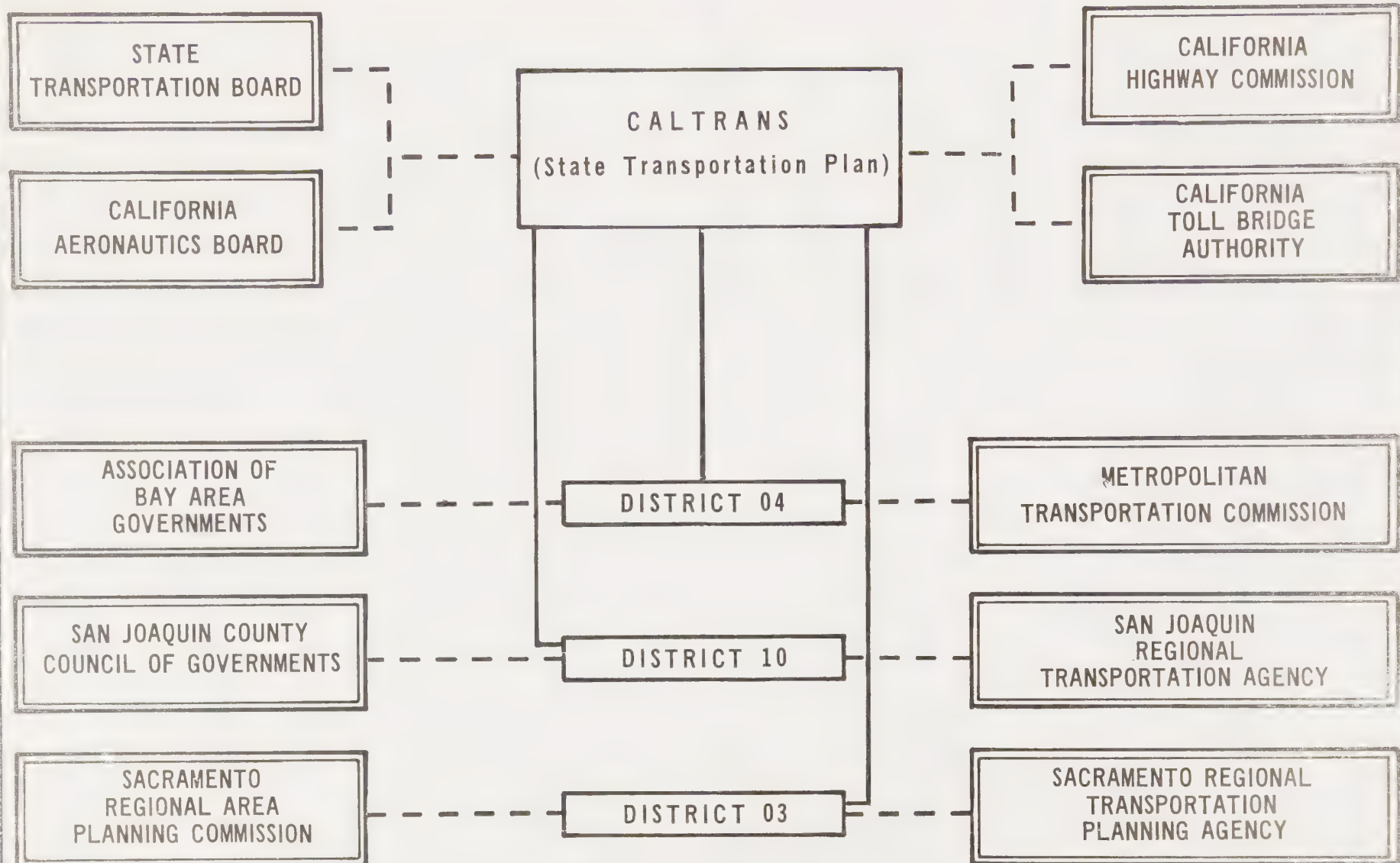
38. CALIFORNIA DEPARTMENT OF TRANSPORTATION (Caltrans)

Caltrans is one of eight departments in the Business and Transportation Agency, which is directed by a Secretary appointed by the Governor subject to confirmation by the Senate. The organization of Caltrans is shown on Plate 11. The department is required by statute to prepare a California Transportation Plan embracing all modes of transportation, including navigation. The plan was submitted to the State Transportation Board and the California Legislature on 1 January 1976. The plan was not adopted, however, but was returned for revision. A new draft plan has been prepared and is undergoing public hearing and review as of November 1976. Caltrans is authorized to plan a balanced and coordinated multi-modal system but is not authorized to assume the functions of designing or building any mode other than highway without express prior approval of the Legislature.

39. The State's interest in waterborne transportation will be defined upon adoption of the California Marine Transport, Terminal, and Navigation Plan element of the California Transportation Plan.

40. It is the stated policy of Caltrans to give full consideration to economic, social, and environmental effects in the planning, development and operation of the State transportation system. Officially designated Regional Transportation Planning Agencies have been formed to achieve this objective. The regional agencies are to prepare regional transportation plans, including a seaport element. The roles of the Metropolitan Transportation Commission (MTC), San Francisco Bay Conservation and Development Commission (BCDC), Northern California Ports and Terminals Bureau (NORCAL), and the North Central Coast Conservation Commission in this regard are discussed subsequently.

41. Regional plans are to be based on local governing bodies' statements of goals, objectives and policies. The State Transportation Plan is to be based upon regional goals, objectives and plans after reconciling areas of inter-regional differences. The result is intended to be compatible regional plans and a California Transportation Plan which includes a facilities plan, an environmental impact report and an implementation plan.



CALTRANS ORGANIZATION FOR BAY-DELTA AREA TRANSPORTATION PLANNING

42. DEPARTMENT OF NAVIGATION AND OCEAN DEVELOPMENT

The principal State agency with responsibility for navigation planning is DNOD, which was established in the Resources Agency in 1972. DNOD succeeded the former Department of Harbors and Watercraft and assumed responsibility for various State programs and facilities related to recreational boating with overview responsibility for commercial navigation. Coastal zone planning activities formerly under the jurisdiction of DNOD are now under the Coastal Commission. DNOD assists Caltrans in its review of the waterborne element of the California Transportation Plan.

43. CALIFORNIA COASTAL COMMISSION

The California Coastal Act of 1976 (SB 1277) reconstitutes the California Coastal Commission in the Resources Agency as successor to the California Coastal Zone Conservation Commission, a temporary agency formed in 1973 after passage of an initiative measure (Proposition 20).

a. Goals. SB 1277 declares that the basic goals of the State for the coastal zone are to:

(1) Protect, maintain, and, where feasible, enhance and restore the overall quality of the coastal zone environment and its natural and manmade resources.

(2) Assure orderly, balanced utilization and conservation of coastal zone resources taking into account the social and economic needs of the people of the state.

(3) Maximize public access to and along the coast and maximize public recreational opportunities in the coastal zone consistent with sound resources conservation principles and constitutionally protected rights of private property owners.

(4) Assure priority for coastal-dependent development over other development on the coast.

(5) Encourage state and local initiatives and cooperation in preparing procedures to implement coordinated planning and development for mutually beneficial uses, including educational uses, in the coastal zone.

Another provision of the Act states that, in order to ensure orderly economic development, it may be necessary to locate ports and other coastal-dependent facilities in the coastal zone even though they may have significant adverse effects.

b. Organization. SB 1277 establishes a permanent California Coastal Commission and six regional commissions which are to continue on a temporary basis until June 30, 1979. Once cities and counties adopt

local coastal programs the Regional Commissions will certify they have done so and will be phased out, leaving permit power in local hands, with provisions for appeal to the State Coastal Commission.

The primary regional commission with jurisdiction over the San Francisco Bay Area shoreline is the North Coastal Commission, which includes the coastal areas of Sonoma, Marin and San Francisco Counties. The San Mateo County coastal area is under the Central Coast Regional Commission.

The shoreline of San Francisco Bay is excluded from the jurisdiction of the Coastal Commission because this area is regulated by the San Francisco Bay Conservation and Development Commission. The Act requires the State Commission and BCDC to conduct a joint review to determine how the programs of each agency are inter-related and to present recommendations to the State Legislature by July 1, 1978. The Act specifies that it is the intent of the Legislature that ports under the jurisdiction of BCDC shall be treated no less favorably than ports under the State Commission.

c. Port Policies. Provisions of the Act encourage existing ports to modernize and construct new facilities within their boundaries to reduce the need for dredging and filling. Each port governing body is required to prepare and adopt a port master plan and each city and county which has a port within its jurisdiction is to incorporate the certified port master plan in its local coastal program.

d. Tanker Terminals. Multi-company use of existing and new tanker facilities is encouraged as part of the Act.

44. DEPARTMENT OF FISH AND GAME

This department is under the Resources Agency and has responsibility for the protection, preservation, propagation and enhancement of California's wildlife resources. Policies for the guidance of the department are established by the Fish and Game Commission. Navigation development within the Bay and Delta areas are reviewed in relation to their effect upon commercial and sport fishing and wildlife refuges. The department cooperates with other governmental agencies in acquiring and developing projects for recreation and for conservation of wildlife.

45. STATE WATER RESOURCES CONTROL BOARD

This Board was established in the Resources Agency in 1967. The Porter-Cologne Act of 1970 reconstituted State programs involving water quality and quality relationships under the Board and initiated a long-range program of water quality management.

The State Board consists of five members appointed by the Governor. Four members are variously required to have experience in water rights

law and sanitary engineering and one member is not required to have specialized experience. The Porter-Cologne Act defines State policy in the field of water quality control as follows:

"Activities and factors which affect the quality of the waters of the State shall be regulated to attain the highest water quality which is reasonable, considering all demands being made and to be made on those waters and the total values involved, beneficial and detrimental, economic and social, tangible and intangible."

This statute further declares the intent of the State to exercise its full power and jurisdiction to protect water quality. Accordingly, the State Water Resources Control Board is designated to administer a planning and regulatory program which is operated regionally within a framework of statewide coordination and policy. Part of this program has important responsibilities related to the effect of proposed navigation improvements on water quality. The primary interest and jurisdiction of the State Board in the Bay Area pertain to potential adverse effects of dredging on aquatic biota, and possible increases in salinity intrusion and attendant adverse effects on biota resulting from changes in channel configurations.

As shown in Plate 12, the Bay and Delta areas cross the boundaries of two regional water quality control boards: the San Francisco Bay(2) and the Sacramento-San Joaquin Delta (5B). The boundary dividing the jurisdiction of these boards is located near Antioch. Both boards are concerned with the water quality impacts of navigation improvements extending. However, the regional boards are semi-autonomous and planning and regulatory decisions taken at the regional level are subject to the review and approval of the State Board. The role of the regional boards is discussed subsequently.

46. CALIFORNIA PUBLIC UTILITIES COMMISSION

Under provision of the California Public Utilities Code, this agency has broad authority to regulate the rates and services of intra-state common carriers. Jurisdiction extends to all transportation modes operated within the State including land, air, rail, and water.

47. Under this authority water carriers transporting cargo to and from points within the State are subject to permit procedures. State policy, as set forth in Section 727 of the Public Utilities Code, encourages the use of harbors and requires that in fixing rates preferential consideration be given to vessels over competing modes. The PUC is administered on a statewide basis with headquarters in San Francisco.

48. STATE LANDS COMMISSION

The State Lands Commission is an independent entity consisting of Lieutenant Governor, the Controller, and the Director of Finance. Since its origin in 1938, this body has exercised a more determining role in

the development of maritime facilities in California than any other agency at the State Level.

a. Jurisdiction. The basic statute defining the authority of the Commission is the State Lands Act of 1938, which is incorporated in the Public Resources Code. A key provision (Division 6, Section 6301) sets forth the jurisdiction of the Commission as follows:

"The (State Lands) commission has exclusive jurisdiction over all ungranted tidelands and submerged lands owned by the State, and of the beds of navigable rivers, streams, lakes, bays, estuaries, inlets, and straits, including tidelands and submerged lands or any interest therein...all jurisdiction and authority remaining the State as to tidelands and submerged lands as to which grants have been or may be made is vested in the commission.

"The commission shall exclusively administer and control all such lands..."

Under this authority the Commission controls the disposition and use of state-owned tidelands and submerged lands along the California coast extending three miles from the low water mark. As shown in Plate 13, beyond the three-mile limit the Bureau of Land Management has comparable Federal authority under the Outer Continental Shelf Lands Act. Navigable waters and the lands under them were reserved to the States for commercial navigation and fisheries. Of 10 million acres originally granted by the Federal Government early in the formation of the State of California, 4.5 million acres remain in State ownership and are held in public trust.

b. Functions. In its proprietary capacity as the agency holding title to lands owned by the State, the State Lands Commission plays an integral role in controlling shoreline and off-shore development shoreward of the three mile limit. The Commission is responsible for defining the boundaries of public lands and maintaining basic land title records. Submerged lands are held in public trust and are controlled principally through the instrument of leases which are subject to conditions assuring that proposed uses are consistent with multi-use management in the public interest. The leasing of State-owned lands for the extraction of mineral resources is a major source of State revenue. Lands are also leased for commercial and recreational purposes. Leases are also an instrument through which control is exercised over the construction of groins, jetties, seawalls, breakwaters and other structures upon or across tidal or submerged lands. In effect, the issuance of a lease also serves as a permit.

c. State Lands Division. Policies of the State Land Commission are implemented by the State Lands Division of the Department of Conservation. This agency administers a program for the comprehensive

BASIN PLANNING AREAS

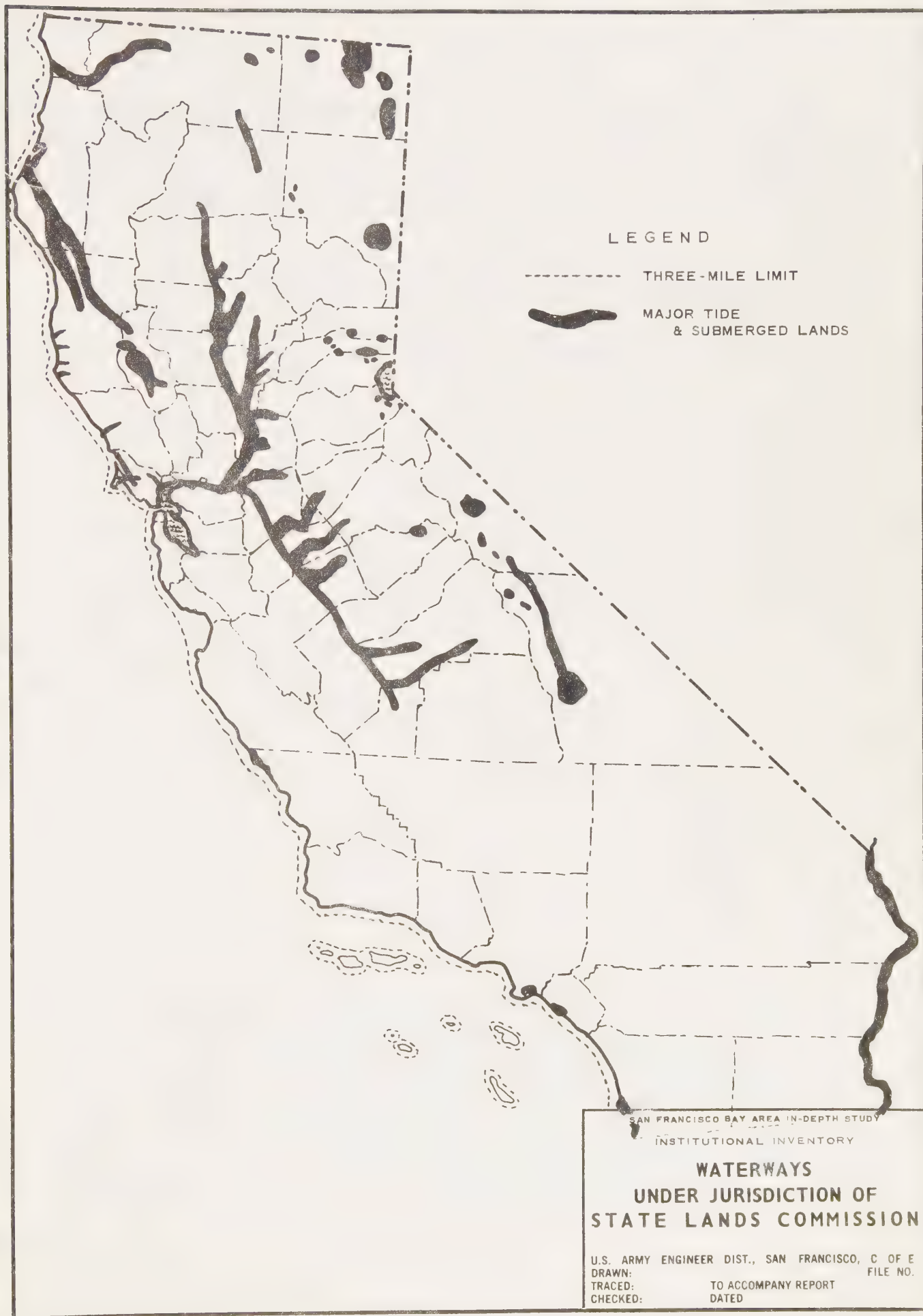
- 1 - KLAMATH RIVER
- 1A - KLAMATH RIVER
- 1B - NORTH COASTAL
- 2 - SAN FRANCISCO BAY
- 3 - CENTRAL COASTAL
- 4A - SANTA CLARA RIVER
- 4B - LOS ANGELES RIVER
- 5A - SACRAMENTO RIVER
- 5B - SACRAMENTO - SAN JOAQUIN DELTA
- 5C - SAN JOAQUIN
- 5D - TULARE LAKE
- 6A - NORTH LAHONTAN
- 6B - SOUTH LAHONTAN
- 7A - WEST COLORADO RIVER
- 7B - EAST COLORADO RIVER
- 8 - SANTA RIVER
- 9 - SAN DIEGO

IN-DEPTH
STUDY AREA

SAN FRANCISCO BAY AREA IN-DEPTH STUDY
INSTITUTIONAL INVENTORY

STATE WATER RESOURCES
CONTROL BOARD
PLANNING AREAS

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management of public lands owned by the State and under the control of the State Lands Commission. These lands are predominantly tidelands, submerged lands (commonly the beds of navigable waterways) and insignificant amounts of swamp and overflow lands. Under the policy direction of the Commission the State Lands Division controls the sale, lease, construction in, or other use of these public holdings.

d. Harbor Development Grants. Large blocs of State-owned coastal lands have been granted to local jurisdictions through the years for the express purpose of developing harbor improvements which would generate economic benefits. Approximately 250 individual acts have been passed by the California Legislature transferring jurisdiction of State tide and submerged land to some 80 local grantees.

Major grants were made in 1911 in response to demands for municipal port development in Los Angeles to offset the competitive advantage of the great natural harbor of San Francisco. At that time most south-bound waterborne commerce came directly to San Francisco and was carried overland for secondary distribution. In that year, and in the ensuing 20 years, the California Legislature enacted some 74 grants to local jurisdictions located in areas suitable for waterborne commerce. In the Bay Area, grants were made to Alameda, Albany, Berkeley, Emeryville, Oakland, Martinez, Richmond, San Rafael, San Francisco, Burlingame, San Mateo, South San Francisco and Vallejo. A summary of major State land grants to local jurisdictions in the Bay-Delta Area is shown in the following table.

STATE LAND GRANTS IN THE BAY-DELTA AREA

<u>Local Jurisdiction</u>	<u>Shore Miles</u>	<u>Acres</u>
San Francisco	2.5	6,120
Oakland	6.2	15,580
Richmond	5.5	2,626
Redwood City	9.6	196
Martinez	.4	52.53
Stockton	1.0	32
Sacramento	10.6	56

Several of these early grants were made expressly for port development and included provisions requiring the issuance of harbor improvement bonds. The "substantial improvement clause" reappeared in 1947 in connection with a grant to Moss Landing Harbor District and in a 1955 grant to the City of Oakland. Virtually all newly-enacted legislative grants now require substantial improvement within ten years. Where the statute requires substantial improvement, the State Lands Commission conducts an investigation to determine whether the grantee has complied with the substantial improvement clause. Some recent statutes have required or permitted airport, recreational provisions, or preservation of natural features.

The transfer of lands to local entities has effectively removed these areas from the planning jurisdiction of State agencies. Whenever a grant has been made, local plans that are consistent with the granting statute supersede and diminish State agency plans and development. Present holdings of the State Lands Commission in the Bay Area are as follows:

<u>Shoreline miles</u>	<u>Acres</u>	
San Francisco Bay	144	180,420
San Pablo Bay	40	73,150
Suisun and Carquinez Straits	56	37,180

e. Overlapping Authority. Prior to the enactment of the Coastal Zone Conservation Act of 1972, the State Lands Commission possessed exclusive statewide authority in the coastal zone. Since that time the California Coastal Commission has assumed concurrent jurisdiction, and proposed uses of the coastal area are subject to overlapping planning processes, requirements and approval. As noted, the Coastal Commission possesses permit authority and exercises an explicit mandate based upon the police power to manage uses of the coastal zone, placing emphasis on environmental considerations. Section 6371, of the Public Resources Code provides that the State Lands Commission shall not lease any lands under its jurisdiction until the requirements of the California Environmental Quality Act (CEQA) are fulfilled. This requires an environmental impact report prior to leasing and the State Lands Commission may serve as lead agency in processing the environmental review of proposed projects with interested Federal, State and local governmental agencies, and the public. The philosophy of the State Lands Commission is that the use of land for economic development does not preclude preservation of environmental values.

The State Lands Commission and the Coastal Commission are conducting a joint review of proposed offshore marine terminals to handle crude oil. Both Commissions generally take the position that industry-wide planning of joint use facilities is preferable to the proliferation of offshore terminals and pipelines by individual oil companies.

SECTION V - ROLE OF REGIONAL INSTITUTIONS

52. The traditional predominance of Federal and local entities in navigation development in the Bay-Delta area is undergoing a significant change in which regional institutions have been granted planning and regulatory authority by the State to assure that maritime facilities are planned as part of multi-modal transportation systems to serve broad area-wide objectives. The role of each regional agency concerned with navigation and its related impacts is discussed as follows.

53. ASSOCIATION OF BAY AREA GOVERNMENTS (ABAG)

ABAG is a quasi-governmental institution established in January 1961 under an agreement approved by 5 counties and 42 municipal governments in the Bay Area. The Association serves as a voluntary regional planning agency, and as a clearinghouse to review applications for Federal funds. Current membership includes 7 counties and 84 cities. The legal authority for the creation is contained in the Joint Exercise of Powers Act, Government Code Section 6500-6578, permitting any combinations of cities or counties to jointly exercise functions which are common to all.

54. The organizational form of ABAG is prescribed in bylaws which declare all cities and counties within the nine-county area eligible for membership. The General Assembly consists of the mayor or a member of the governing body of each city and the chairman or other member of the Board of Supervisors of each county. The Executive Committee consists of the supervisors representing the member counties and one official city representative from each county plus six members-at-large appointed from the General Assembly. The official city member for each county is selected by majority vote of the mayors of all of the member cities in the county. These members serve for staggered two-year terms, except for the members-at-large who serve for one year. The President and Vice-President are elected by the General Assembly and must alternately be county and city representatives. The Executive Director is appointed by the Executive Committee.

55. The functions of the Association, as specified in Article 1 of the Bylaws are to:

a. Review of Governmental Proposals. The review of proposals for metropolitan area or regional governmental units or agencies, and the making of appropriate policy or action recommendations.

b. Study of Metropolitan Area Problems. The identification and study of problems, functions and services in the San Francisco Bay Metropolitan Area, and the making of appropriate policy or action recommendations.

c. Other Functions. Such other metropolitan or regional functions as the General Assembly shall deem appropriate for the Association.

56. The powers and functions of the General Assembly include the making of policy decisions and the determination of policy matters, approval of study proposals, review of Executive Committee actions, and review and adoption of the proposed budget and assessment schedule. The Executive Committee is required to review and may amend the proposed annual budget and submit it to the General Assembly, report on financial transactions to the General Assembly, report to the General Assembly on its activities, make recommendations to the General Assembly, and carry out policy decisions made by the Assembly. Regular meetings of the General Assembly are required to be held twice a year, and the Executive Committee is required to meet at least four times a year.

57. The General Assembly fixes membership assessments. The counties must furnish half the total, the cities the other half. Within these two categories, fees are proportionate to population.

58. ABAG has developed a Regional Plan and a Regional Growth Policy for the Bay Area. While ABAG does not have direct jurisdiction over land use, it has an important role in defining area development alternatives affected by functional systems.

59. ABAG has an interest in transportation planning as part of this effort. However, it has no statutory authority in this field. Under AB 69 the Metropolitan Transportation Commission has a legislative mandate to prepare a regional transportation plan embracing nine counties. A Memorandum of Understanding between ABAG and MTC provides for a coordinated planning effort in which ABAG's comprehensive regional plan serves as a guide for transportation planning.

60. Under guidelines prescribed by Caltrans, the regional transportation plan is to be an integral part of the regional comprehensive plan, or at least based on and in concert with the development goals, objectives and policies of the region. Caltrans regional guidelines suggest that goals should be drafted for the region as a whole and could include a wide range of concerns and issues.

61. SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION (BCDC)

BCDC was created in 1964 to plan and regulate development along the shoreline of San Francisco Bay. In fulfilling the provisions of the McAteer-Petris Act, BCDC has assumed a leading role in navigation planning within San Francisco Bay.

62. The statutory responsibilities of BCDC are performed under an Executive Director, subject to continuing policy review by a 27-member Commission consisting of: seven Federal and State agency representatives; nine representatives appointed by the Board of Supervisors of each Bay Area county; four elected city representatives appointed by ABAG; and seven representatives of the general public.

Government Code Section 66610 and pertinent Commission regulations define the following three major BCDC regulatory duties and responsibilities:

a. Jurisdiction over all filling and dredging in San Francisco Bay including all submerged lands, tidelands, and marshlands situated below the line of highest tidal action (a line demarked by the highest tide at any time on or subsequent to September 17, 1965). The Bay is defined for this purpose as extending from a line between Point Lobos and Point Bonita (west of the Golden Gate) to the entire central and south Bays, northeasterly to a line drawn between Simmons Point and Stake Point in Suisun Bay, and around the southern edge of Chipps Island to Marshall Cut in Solano County.

b. Limited jurisdiction over development within a 100-foot strip inland from the Bay. Within this shoreline area, BCDC's responsibility is twofold: (1) to require public access to the Bay to the maximum extent feasible, (2) to insure that limited shoreline property is reserved for six high-priority uses: ports, water-related industry, water-related recreation, airports, wildlife areas, and desalinization and power plants.

c. Limited jurisdiction over proposed filling of salt ponds or managed wetlands (areas diked off from the Bay and used for salt production, duck-hunting preserves, etc.). If filling of these areas is proposed, BCDC encourages dedication or public purchase to retain water area because of the importance of water surface to wildlife, so that public access to the Bay is provided and the maximum amount of water surface is retained.

63. Government Code Section 66632 directs BCDC to require a permit prior to the filling, dredging or major construction in any area under the Commission's jurisdiction.

64. Overlapping regulatory jurisdiction occurs between BCDC and the Corps of Engineers in matters pertaining to the issuance of permits, particularly regarding the maintenance dredging of navigation channels. Since the Corps of Engineers also has responsibility for administering permits in navigable waters, and performs maintenance dredging for several Navy installations within BCDC's jurisdiction, a Memorandum of Understanding on Dredging was agreed to on 27 November 1973 in which the Navy and the Corps agreed to cooperate and coordinate closely with BCDC in dredging matters. Pursuant to this agreement BCDC and the Corps have devised a joint permit application form used by applicants seeking permission to dredge within San Francisco Bay. BCDC also coordinates State and regional agency review of maintenance dredging permits.

65. In addition to day-to-day regulatory functions, BCDC has prepared a long-range master plan known as the San Francisco Bay Plan. The plan was adopted in 1969 after a three-year period of public study and deliberation and is being updated. BCDC policies in the Bay Plan recognize rapid changes in shipping technology and give priority to the use of the Bay shoreline for port development and complementary activities

such as transportation facilities, warehousing, ship repair, freight forwarding, government offices related to port activity, and various marine services. Other uses, such as public access and commercial recreational development are encouraged where they do not significantly hinder port operations. Special Area Plans including maritime features have been prepared for San Francisco, Richmond and Suisun Marsh.

66. BCDC advocates a regional approach to port planning and development to avoid unnecessary filling of the Bay. In June 1973, the executive director, at the direction of the Commission, wrote to all port directors in the Bay Region to convey the Commission's concern "that potential competition among ports can lead to piecemeal, uncoordinated development plans for individual ports that will create pressures for unnecessary Bay fill." The letter noted that "although it may not be Commission's role to develop a specific, comprehensive, regional plan for development, the Commission does have the statutory obligation to keep Bay fill to the minimum necessary," and that "the need now is for those concerned with port development to prepare a more specific plan that provides for the orderly development of Bay Area ports on a regional basis in a manner consistent with the Bay Plan." As noted, BCDC and the California Coastal Commission are required to conduct a joint review of their respective roles, especially as they relate to port development.

67. METROPOLITAN TRANSPORTATION COMMISSION (MTC)

In 1970 the State Legislature enacted the Metropolitan Transportation Commission Act (AB 363) creating MTC and giving it jurisdiction over regional transportation planning for the nine counties bordering San Francisco Bay. The overall objective of MTC is to achieve a coordinated and balanced multi-modal transportation system, including maritime facilities and services, consistent with regional and State social, economic and environmental needs and goals.

68. The duties and responsibilities of MTC are administered by a staff of 75 under an Executive Director, subject to policy guidance by a 19-member policy-making Commission. The Commission consists of representatives from the five most populous counties and representatives from ABAG and BCDC. Representatives from DOT, HUD and the State Business and Transportation Agency serve as non-voting members.

69. AB 69, enacted in November 1972, created Caltrans and charged it with the formulation and implementation of the California Transportation Plan. The State plan will be based on regional plans including a sea-port element, where applicable. The regional planning guidelines adopted by the State Transportation Board provide that the regional transportation plan and its implementation program should be formulated in a co-operative effort with governmental entities within the region. Existing plans of cities, counties, special districts, private organizations, and State and Federal organizations are to be incorporated, as appropriate. The guidelines provide that coordinating committees in each mode should

be established, representing all interested public and private organizations, to coordinate planning and programming activities for those modes within the region. The overall regional plan should clearly define a program of implementation including a schedule of improvements, operations, finance and recommendations for any necessary policies, ordinances and legislation. Review of the regional plan is provided annually for two successive years following submittal of the plan, and at two-year intervals thereafter.

70. Generally, the regional transportation plans envision a coordinated and balanced system in which all modes are recognized, consistent with social, economic and environmental needs and goals. This would include water transportation systems consisting of deep-draft and small boat harbors, marine terminals, waterways, and transfer facilities.

71. AB 69 stipulates that a Regional Transportation Planning Agency shall be responsible for developing and adopting a transportation plan for the area included within its jurisdiction. In the San Francisco Bay Area the designated Regional Transportation Agency is MTC.

In June 1973 MTC adopted an interim Regional Transportation Plan which primarily addresses the movement of people. The March 1976 revision to the plan stated that the MTC planning process would result in a regional port plan for the Bay Area. (In addition, policies contained in the BCDC San Francisco Bay Plan state that future port planning and development - though not necessarily port operations - should be guided by an overall regional port plan.

72. In 1974, MTC created the Regional Seaport Policy Committee which is advisory to MTC on seaport matters, and through which a regional port plan is being developed. Agencies having representation on this committee are MTC, the California Department of Transportation, the Association of Bay Area Governments, the San Francisco Bay Conservation and Development Commission (BCDC), the Army Corps of Engineers, and the six San Francisco Bay publicly utilized ports (Encinal Terminals and the ports of Benicia, Oakland, Redwood City, Richmond, and San Francisco). Staff of the Maritime Administration, San Francisco Bay Area Council, Northern California Ports and Terminals Bureau and the Pacific Merchant Shipping Association, along with staff of agencies represented on the committee, function as staff to the committee and advise it on technical matters. In this manner, MTC has been effective in involving a variety of interests in its regional port planning activities.

73. The Regional Seaport Policy Committee has recently entered into a three-phase regional port planning program, Phase I of which is being jointly funded by MTC and BCDC. This three-phase program will result in a regional port plan and will also produce seaport policy for the MTC Regional Transportation Plan, criteria to be used in evaluating proposed San Francisco Bay marine terminal development, and recommendations for implementing the regional port plan. It is likely that BCDC will use

information produced as part of this work to revise their San Francisco Bay Plan. (The Bay Plan has the status of law, and currently is being used by BCDC as an interim guide to regional port development for San Francisco Bay ports and terminals until a more detailed regional port plan is developed).

74. The following describes the three-phase program:

Phase I: Compile an information base to establish present capacities and future needs for publicly utilized San Francisco Bay marine terminals for 10 and 20-year time frames. Phase I will also include inventorying San Francisco Bay shoreline sites having potential for future marine terminal development or redevelopment.

Phase II: Identify San Francisco Bay shoreline sites to be used for future port development by cargo type for 10 and 20-year marine terminal needs. Conduct a series of impact assessments of marine terminal needs identified in Phases I and II (financial, environmental, transportation, socioeconomic, institutional and national defense impact assessments). Analyze petroleum handling facilities and other proprietary marine terminal facilities.

Phase III: Develop a regional port plan and prepare a maritime element to the Regional Transportation Plan, including recommendations for implementing the plan.

75. Phase I work is currently underway and is expected to be completed in 1977. (The timetable for completion of Phase II and Phase III has not yet been prepared). As part of its Phase I effort MTC is evaluating the work of others, including NORCAL and the Corps of Engineers' San Francisco Bay Area In-Depth Study.

76. SAN JOAQUIN COUNTY COUNCIL OF GOVERNMENTS

This organization performs a general planning function for San Joaquin County and its member cities based on voluntary cooperation under the Joint Exercise of Powers Act. It is designated as the Regional Transportation Planning Agency under AB 69 and has agreed to participate with the Stockton Metropolitan Transit District, Stockton Port District, and the State of California in comprehensive transportation planning for San Joaquin County. Other agencies participating include Stockton Metropolitan Airport, Stockton Unified School District, Urban Mass Transportation Administration, Federal Highway Administration, and Federal Aviation Administration.

77. The San Joaquin County Transportation Plan is intended to achieve a coordinated multi-modal system. It will include an estimate of area-wide transportation needs for 20 years and a schedule of construction priorities.

78. The organizational structure is designed to relate transportation planning to general planning, and input concerns from policy and technical representatives of State and local government as well as the community.

A Memorandum of Understanding between the San Joaquin County Council of Governments (COG) and the State of California Business and Transportation Agency provides for the formation of a Transportation Planning Policy Committee and a Transportation Planning Technical Committee. These Committees are responsible for continuous transportation planning. Agencies represented on these committees are listed below:

Policy Committee

1 Council person from	:	City of Stockton
	:	City of Lodi
	:	City of Tracy
	:	City of Manteca
	:	City of Escalon
	:	City of Ripon
1 Supervisor from	:	San Joaquin County
1 Director from	:	Stockton Metropolitan Transit District
1 Commissioner from	:	Port of Stockton
1 Representative from	:	State Department of Transportation

Technical Committee

State Dept. of Transportation	
(District 10)	3 representatives
County of San Joaquin	3 representatives
City of Stockton	3 representatives
City of Lodi	2 representatives
City of Manteca	2 representatives
City of Tracy	2 representatives
City of Ripon	1 representative
City of Escalon	1 representative
Port of Stockton	1 representative
Stockton Metropolitan Transit District . .	1 representative
Stockton Airport	1 representative

a. Policy Committee Responsibilities. The Transportation Planning Policy Committee is to prepare for adoption by the COG a transportation element of the comprehensive area-wide plan for the San Joaquin County area which is consistent with the other elements of the regional general plan. The transportation element is to include, but not be limited to, mass transportation, highway, railroad, maritime and aviation facilities and services, whether public or private. The transportation element is to be consistent with the region's and State's social, economic, and environmental needs and goals. The Committee is responsible for continuous transportation planning to ensure that plans continually meet the needs of the County. The Committee is responsible for ensuring active participation of the community throughout the planning process, and for ensuring that implementing programs are developed.

b. Technical Committee Responsibilities. The Transportation Planning Technical Committee has the following duties:

(1) To coordinate and develop comprehensive transportation planning within the area;

(2) To provide assistance, advice and recommendations to the Transportation Planning Policy Committee and the member governments of the COG on the effects of the transportation element of the comprehensive area-wide plan on other elements of that plan and on specific plans of the member governments;

(3) To provide assistance, advice and recommendations to the COG in its review of Federal and State-funded transportation projects and programs and such other projects and programs as the COG may designate; and

(4) To provide assistance, advice and recommendations to the Transportation Planning Policy Committee to aid it in fulfilling its responsibilities for the continuing comprehensive coordinated transportation planning process within the area.

As noted, a member of the Stockton Port Commission and port staff representative participate in these efforts and it is anticipated that port improvements will be planned in conjunction with other forms of transportation.

79. SACRAMENTO REGIONAL AREA PLANNING COMMISSION (SRAPC)

This agency is a voluntary association of six counties and seventeen cities in the valley and mountain area tributary to the Port of Sacramento. It was created in 1965 under the State Planning Law to provide a forum for planning, and to formulate recommendations on area-wide problems of mutual interest and concern to its member jurisdictions. The Commission also serves as the regional clearinghouse for Federal grants.

Participating counties include the entire counties of Sacramento, Sutter, Yolo and Yuba and those portions of El Dorado and Placer Counties outside of the area of jurisdiction of the Tahoe Regional Planning Agency. The planning area of SRAPC is shown in Plate 14.

The twelve-member Commission consists of two representatives from each county; one appointed by the Board of Supervisors and one appointed by agreement among the cities of each county. Each Commissioner is an elected official.

SRAPC is designated under AB 69 as the Regional Transportation Planning Agency. Working in conjunction with Caltrans, District 3, SRAPC is preparing a regional transportation plan, including an element dealing with the future development of the Port of Sacramento. SRAPC has adopted a set of goals to guide regional development and has formed policy and technical committees to advance its planning efforts. The Transportation Planning Policy Advisory Committee consists of the Commission itself; plus a representative of Caltrans. A technical coordinating committee, composed of staff from local, State and Federal agencies, provides technical input to the policy committee.

80. CALTRANS DISTRICTS

Caltrans is divided into eleven field-level districts which work closely with regional and local agencies in support of the state-wide transportation planning mission. These efforts are directed principally toward preparing multi-modal regional transportation plans for incorporation in the State Transportation Plan which was submitted to the State Transportation Board in April 1975 and the California Legislature in January 1976. As shown in Plate 15, the eleven Bay-Delta counties fall within three districts of Caltrans: District 04, District 03 and District 10, each of which is discussed as follows.

a. District 4. This district office is located in San Francisco. The area under the jurisdiction of District 4 coincides with MTC, except that it includes Santa Cruz County and excludes Solano County. Thus, eight of the eleven counties included in the In-Depth Study are within District 4. The District Director participates in the deliberations of MTC as a non-voting member. District 4 maintains a close staff-level relationship with MTC to assure that the multi-modal requirements of AB 69 are met. District 4 provided data and technical assistance for the MTC Harbor Access Study.

b. District 10. The District office is located in Stockton. All of San Joaquin and Solano Counties are within the jurisdiction of District 10. In San Joaquin County the district provides staff support to the COG and RTPA in the preparation of the regional transportation plan. Transportation studies are provided and the district participates on a technical committee concerned with the possibilities and ramifications of commodity transport through the Port of Stockton. Although Solano County is within District 10, this area is included in the regional transportation plan under the jurisdiction of MTC.

c. District 3. This district office is located in Marysville and the area under its jurisdiction includes eleven northern counties, of which only Sacramento County is in the In-Depth Study Area. (The southern tip of Sacramento County is in District 10.) The District Director is a voting member of the SRAPC Advisory Committee and also participates in the Technical Committee. This group will address a maritime element embracing the Port of Sacramento as part of the SRAPC Transportation Plan.

81. SAN FRANCISCO BAY REGIONAL WATER QUALITY CONTROL BOARD

This Board is one of nine into which the State is divided under the Porter-Cologne Water Quality Act of 1967. The Regional Board is subordinate to the State Board which formulates state-wide water quality control policies.

The regional board is authorized to adopt regional water quality control plans, prescribe waste discharge requirements, and perform other functions concerning water quality control, subject to State Board review or approval. The territory within which the San Francisco Bay Regional Board has jurisdiction includes the natural drainage area which approximates the nine County Bay Area.

The regional board is composed of seven members appointed by the Governor from the region, with one member representing each of the following interests: water supply, conservation, or production; irrigated agriculture; industry, municipalities; counties; recreation and wildlife; and the public at large.

The Water Quality Board is one of several agencies which regulate the dredging of navigation channels. Considerable coordination problems occur as a result of multiple jurisdiction. Under the certification procedure an applicant for a dredging permit applies to the Corps or EPA or both. One of these agencies refers the application to the Water Quality Board for certification that the project will not violate applicable State water quality standards.

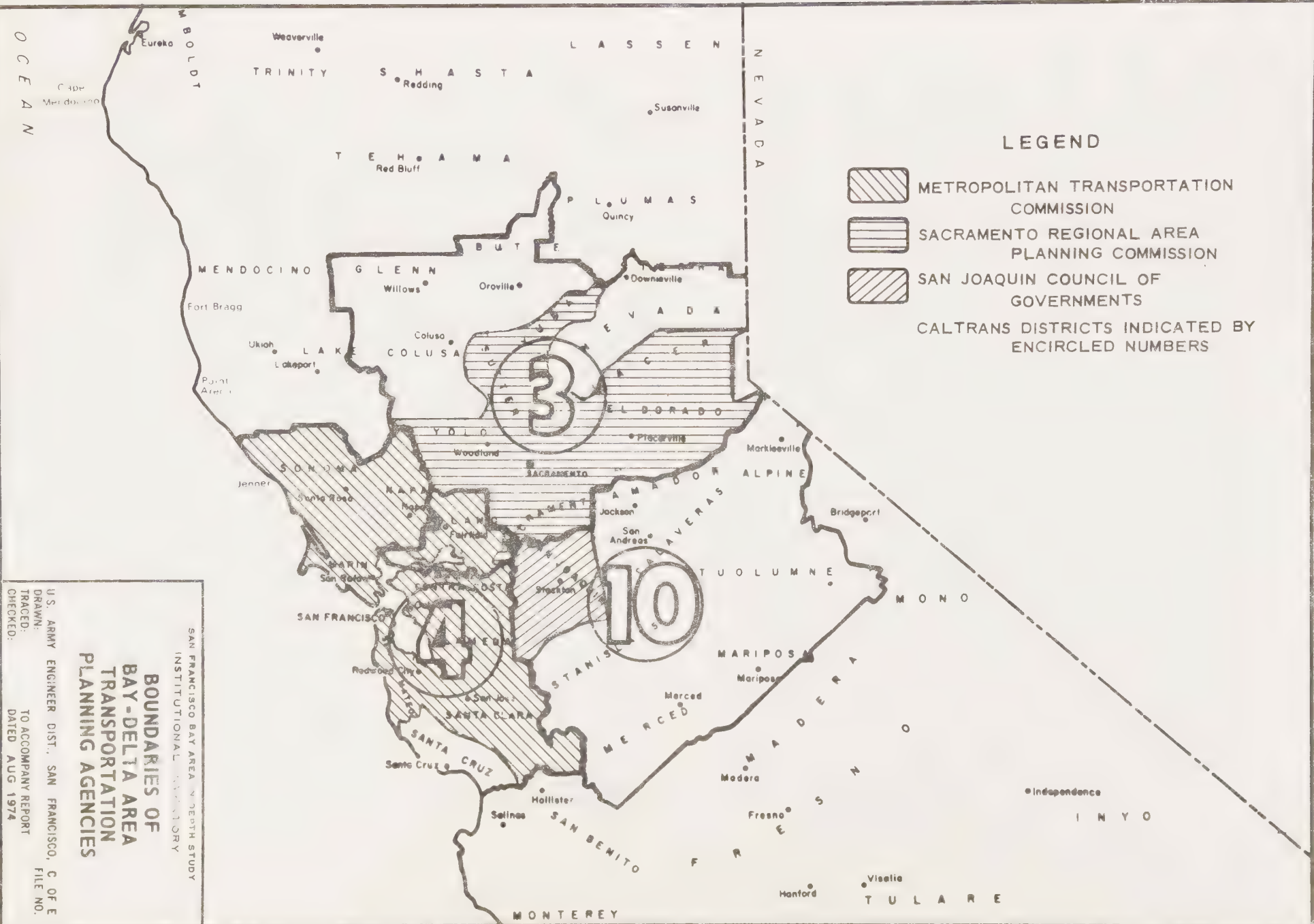
The Regional Board then holds a hearing and takes into account staff recommendations and those of advisory agencies (including EPA, State Fish and Game, U.S. Fish and Wildlife, State Public Health, et al.) and the public. In reaching a decision to issue certification which will protect the public, the Regional Board cannot judge the case on the merits of the project; they must consider only the effects the project will have on water quality. Once a certification is issued, it is forwarded to the Corps or EPA and the permit process continues.

If anyone is dissatisfied with the decision of a Regional Board, that decision may be appealed to the State Board. It is very rare, however, that the State Board will overturn the decision of a Regional Board; the feeling is that local board members are best qualified to deal with local issues.



SAN FRANCISCO BAY AREA IN-DEPTH STUDY
INSTITUTIONAL INVENTORY
SACRAMENTO REGIONAL
AREA PLANNING COMMISSION
JURISDICTION
U.S. ARMY ENGINEER DIST., SAN FRANCISCO, C OF E
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CHECKED: DATED

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BOUNDARIES OF
BAY-DELTA AREA
TRANSPORTATION
PLANNING AGENCIES

SAN FRANCISCO BAY AREA DEPTH STUDY
INSTITUTIONAL INFRASTRUCTURE

U.S. ARMY ENGINEER DIST. SAN FRANCISCO, C. OF E.
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82. BAY AREA AIR POLLUTION CONTROL DISTRICT (BAAPCD)

The BAAPCD has jurisdiction over air quality in seven Bay Area counties and parts of Solano and Sonoma counties.

Members of the Board of Directors consist of one county supervisor chosen by the Board of Supervisors and one city councilman from each county, chosen by a city selection committee.

Air pollution regulations imposed on ships by this agency are a significant consideration in shipping operations. Ship owners have sought exemption from a district requirement requiring the use of low-sulfur fuel by vessels. The shipowners claim that the Bay Area is the only region in the world to regulate such emissions and that the low-sulfur requirement unfairly penalizes ships serving the region. It is also asserted that sufficient quantities of low-sulfur fuel are not available.

The board has allowed ships to burn fuel with a high sulfur content on a temporary basis while encouraging a search for an air pollution control device. Under this ruling ships can use fuel with a sulfur content of four percent, while shoreside industries within the jurisdiction of the district can only burn fuel with a one-half percent sulfur content.

83. DELTA ADVISORY PLANNING COUNCIL (DAPC)

DAPC was formed by five counties in 1972 to prepare a comprehensive conservation and development plan for the Sacramento-San Joaquin Delta Region. A Joint Exercise of Powers Agreement entered into by Contra Costa, Sacramento, San Joaquin, Solano and Yolo counties provides the legal basis for this joint planning effort. The 19-member council is composed entirely of local government representatives, including a County Supervisor, Planning Commissioner, Parks Commissioners and a City Councilman from each county. Staff work is performed by the Sacramento Regional Area Planning Commission under contract.

a. Objectives. The goals of DAPC are to:

(1) Ensure that local government policies are understood and respected in Federal and State program decisions affecting the Delta.

(2) Assist local governments in defining common objectives and needs in the Delta, and in identifying inconsistencies among planning and management programs affecting the area.

(3) Propose to the Delta public and local governments, the State of California, and the Federal Government, a comprehensive resources conservation and development plan which can ensure a quality environment through the optimum balancing of regional coordination and local management efficiency.

b. Planning Area. The planning area of DAPC generally coincides with the Delta area defined in California Water Code Section 12220, modified to include Lodi and to exclude the northeastern tip of Alameda County. Within this area ABAG, MTC, SRAPC, and the San Joaquin County Council of Governments have overlapping regional authority. Funding is provided by the counties with grants from HUD, NOAA and the State Department of Transportation. A Delta Action Plan was completed in July 1976, and efforts are underway to implement the recommendations.

SECTION VI - ROLE OF PRIVATE ORGANIZATIONS

84. NORTHERN CALIFORNIA PORTS AND TERMINALS BUREAU, INC. (NORCAL)

NORCAL is a private association representing various interests concerned with seaport planning inside the Golden Gate. The membership presently consists of the ports of Oakland, Benicia, Richmond, Sacramento, San Francisco, and Stockton, Encinal Terminals, the Solano County Development Agency, and the Contra Costa Development Association. (Redwood City has discontinued its membership in NORCAL because of policy differences).

This organization was established in 1952 for port terminal rate-making purposes and became inactive in 1968 when most of the members joined the California Association of Port Authorities. It was reactivated in 1973 in response to the area-wide planning efforts required for the seaport element of the Caltrans and MTC transportation plans. As described previously, these entities are required to prepare a plan for a coordinated multi-modal system related to a broad range of social, economic, and environmental considerations. The MTC and Caltrans planning efforts emphasize the need for input at the local level.

In recognition of these requirements, the ports of the area have designated NORCAL "to undertake the planning agency function on behalf of its member ports and privately-operated terminal members. The view of NORCAL is that a comprehensive regional plan developed by all the ports can produce a result acceptable to ports, terminal operators, shippers and all concerned agencies at the local, State and Federal levels.

The position of NORCAL is that the need for development of seaport and marine terminal facilities can best be expressed by having the ports themselves develop a plan which can then become a part of the statewide plan. The completed plan will be made available to all Bay Area planning agencies interested in planning decisions affecting future development of seaport and marine terminal facilities.

It is the desire of NORCAL to provide the principal input to the regional port planning function, in cooperation with agencies such as ABAG, BCDC, Corps of Engineers, Caltrans, and especially MTC which, as noted previously, has a state-mandated responsibility to prepare a maritime element for its Regional Transportation Plan.

The NORCAL ports within San Francisco Bay are represented on the Regional Seaport Policy Committee which is advisory to MTC on seaport matters and, with the aim of influencing the deliberations of this group NORCAL has initiated a series of studies of seaport and marine terminal problems of the Bay Region as they affect existing ports and terminals. Studies completed to date (funded with MARAD assistance) include projections of future levels of waterborne commerce, and estimate present regional port capacity. Studies yet to be completed will forecast future port and harbor requirements, formulate alternative port developments and analyze various economic and social effects. (The Regional Seaport Policy Committee of MTC is currently evaluating results of the NORCAL studies, parallel results of Corps of Engineers San Francisco Bay Area In-Depth Study, and data that it is developing independently during its Phase I port planning program. See also Paragraph 72 through 75).

85. CALIFORNIA ASSOCIATION OF PORT AUTHORITIES (CAPA)

This private organization was formed in 1941 and consists of eleven California ports including the ports of San Francisco, Oakland, Sacramento, and Stockton. The primary role of CAPA is to promote reasonable and uniform port terminal rates under Section 15 of the Shipping Act of 1915. In fulfilling its rate-making role, the association is authorized by the Federal Maritime Commission to reach agreement among its members on rate levels and is exempt from antitrust regulations.

The association also takes action opposing or supporting legislation affecting member ports and maintains an interest in the maritime aspects of the Regional Transportation Plan required by AB 69.

86. MARINE EXCHANGE

The Marine Exchange is an all-inclusive organization for the maritime and transportation industries in the Bay Area; it has the general goal of maintaining and promoting waterborne commerce.

It is reportedly the oldest industry-supported maritime agency in the country, beginning in 1849 as a ship-reporting service. With the aid of modern telecommunications, ship reporting is still a major part of the agency's services. (The Exchange is continuing its pioneering role in a 12-month study it is presently carrying out for MARAD on the feasibility of creating a uniform ship reporting service for U.S. ports). In addition, the Exchange operates as a legislative advocate, as a

service and promotional organization, and as an investigator - acting through cooperative task forces and committees which study various topics of interest to the industry.

87. CALIFORNIA MARINE AFFAIRS AND NAVIGATION CONFERENCE (C-MANC)

C-MANC is a private association representing ports, public bodies and others interested in navigation improvements. A forerunner organization was formed in 1956 by the Marine Exchange at a time when there was lack of coordination among the ports of the region in securing Federal funds for civil works. The effort continued as a Bay Region operation until it gradually expanded to include all the ports of northern California.

At the request of the State of California and California Congressional representatives, an equivalent coordinated approach was subsequently formed in southern California. These two organizations worked together closely and merged in 1971, becoming the California Marine Affairs and Navigation Conference. Presently there are about 100 members comprising all elements of the marine industry including the ports of the San Francisco Bay Area. The staff of the organization remains closely associated with the Marine Exchange; the Executive Officer of the Marine Exchange is also the Executive Director of C-MANC.

The stated purposes of the C-MANC are as follows:

- a. To assure coordination and maximum support of its recommendations and testimony to the Congress, Corps of Engineers, Office of Management and Budget, State of California, and to other agencies involved in navigation and related public works.
- b. By voluntary participation of public and private agencies and organizations, offer maximum input of planning, expertise and analysis towards meeting the needs of navigation through efficient utilization of harbors, channels, waterways, and coastal resources.
- c. To assure, through its public membership and by liaison with other official bodies, that the general welfare of the State and Nation are best served by the projects and programs which it supports.
- d. To provide fullest cooperation to public and private agencies to maximize total ecological evaluations in all projects, and to incorporate environmental enhancement as a major factor.

C-MANC's parent organization, the Marine Exchange, sponsored and supported the Corps of Engineers' Comprehensive San Francisco Bay Survey and the Bay Model. These are unique in harbor development planning and gave rise to the John F. Baldwin Channel and also provided major impetus to the creation of BCDC. C-MANC was instrumental in initiating the In-Depth Study by contributing to its conception and engendering support by the California Congressional delegation.

88. THE BAY AREA COUNCIL, INC.

The Council is the successor organization to the San Francisco Bay Area Council, formed in 1945 as a non-profit body involved in research and advocacy on broad, long-range public policy issues affecting the San Francisco Bay Region. During its 29 years the Council has studied maritime activity in the Bay Area and recommended action to maintain and improve it. The Council represents the regional business community's interest in the economic, environmental and social enhancement of the nine-county Bay Area through improved interjurisdictional coordination of public agencies and public-private sector cooperation. In the late 1950's the Council, as a result of study findings, proposed a Golden Gate Authority to coordinate and manage all seaports, airports and bridges of the Bay Region. This proposal resulted in the creation of the Golden Gate Authority Commission by the State Legislature and further studies. The Commission recommended the establishment of a Golden Gate Authority to the Legislature; however, legislation was not enacted. The Council maintains a continuing interest in having Bay Area ports operate under a regional planning and land use agency and its current policy on regional governance in the Bay Area advocates that seaport planning should be part of a regional comprehensive planning agency's responsibility, while operating functions remain a responsibility of existing local agencies.

89. SAN FRANCISCO PLANNING AND URBAN RENEWAL ASSOCIATION (SPUR)

SPUR is a local citizens' organization which has served as a general interest advocate on planning and development policies since 1910. The broadly-based membership elects a 60-man Board who annually elect officers, with the President appointing a 20-man Executive Committee which meets monthly and governs the organization. A full-time staff administers the organization's program of maintaining an overview of planning and development decisions affecting San Francisco and the Bay Area. Local and regional maritime matters are reviewed through study committees which present findings and recommendations for adoption. This organization played a leading role in the drive to return the Port of San Francisco from State to city control. It was also instrumental in creating BCDC. SPUR regards intra-regional port competition as counter-productive and advocates a regional approach to maritime planning to improve the Bay Area's competitive position on the West Coast.

90. CHAMBER OF COMMERCE OF THE GREATER SAN FRANCISCO BAY AREA

This organization has maintained an active interest in navigation matters since its inception. A standing Port Committee conducts a program to insure the economic viability and competitive position of navigation in the entire Bay Area. The Port Committee created and provided administrative support for the San Francisco Mayor's Port Committee and played a key role in the selection of the present Port Director of the Port of San Francisco.

SECTION VII - SUMMARY AND CONCLUSIONS

91. The existing institutional structure governing maritime operation and development in the Bay Area involves many governmental entities with differing missions and overlapping authority. Federal jurisdiction is predominant in navigable waters, based upon considerations of national defense, interstate commerce, the environment and the general welfare.

Waterborne commerce is under the jurisdiction of the Federal Maritime Commission and the Interstate Commerce Commission which regulate shipping to prevent unfair competition, and to assure safety and service. Neither agency is involved with the physical planning of facilities, however, and jurisdiction over intermodal operations is not well-defined.

Broad powers more directly related to the development and operation of ports and waterways are exercised by three Federal agencies: the Corps of Engineers, the Coast Guard and MARAD. The Corps is responsible for building and maintaining major navigation channels and structures and also regulates developments and activities proposed by others in navigable waters and wetlands. The Coast Guard controls maritime traffic, regulates vessel operations and has assumed expanded authority over oil spills and deepwater port development and operation. MARAD guides and promotes the development of ports and intermodal systems under its mission to aid the maritime industry. Defense-related maritime activities in the Bay Area are within the scope of the U.S. Navy which plans and operates extensive homeport berthing and associated facilities for the repair, outfitting, armament and support of military vessels.

Other Federal agencies also have related planning and regulatory roles arising from the economic and environmental impact of waterborne activities: EDA funds port improvements in areas of high unemployment; NOAA provides funds and technical aid to plan and manage coastal resources; EPA reviews the environmental impact of proposed maritime developments; and the Fish and Wildlife Service reviews project plans to minimize adverse effects.

Federal authority in navigable waters is thus vested in many agencies which have specialized military, economic and environmental missions. None has overall developmental or regulatory responsibility and this complicates the task of formulating consistent regional maritime development guidelines which, of necessity, must reconcile divergent public policy objectives.

92. Although control of navigable waters is pre-empted at the national level, the Federal Government has historically delegated port ownership and operation to local institutions. Within the Bay-Delta area the ports of San Francisco, Oakland, Richmond and Redwood City are municipally-owned and are administered under provisions of city charters.

The ports of Stockton and Sacramento are port districts administered apart from municipal government under provisions of special State enabling legislation. Two public ports are also owned and operated by private firms and some industries operate their own terminals. Municipal and special district ports possess certain common public powers including: control of the operation of the port area through a master plan and rules and regulations; the power of eminent domain; and authority to levy a property tax and issue bonds. Except for the Port of Richmond, which is under policy direction of the Richmond City Council, publicly-created ports in the area are operated under appointed commissions which are self-governing. The degree of autonomy varies, the Port of Oakland being completely independent, while the Port of San Francisco is subject to considerable municipal review. Local ports are regarded as quasi-commercial enterprises which require independence in order to respond to changing market conditions. The generally accepted objective is to promote waterborne commerce and thereby strengthen the economy of the community, while operating on an unsubsidized revenue-sustaining basis.

93. The role of the State of California in maritime development is increasing, notwithstanding the relative autonomy of local ports and the control of waterways by Federal agencies. With the enactment of State laws authorizing BCDC's San Francisco Bay Plan, a State Transportation Plan and a California Coastal Plan, the State and regional role in maritime facility planning has been strengthened. Redefinition of the procedures and concepts guiding local navigation projects is underway in conjunction with several major regional port studies: MTC has initiated studies leading toward an official Regional Seaport Plan as an element of its multimodal regional transportation plan which, in turn, is part of the California State Transportation Plan; BCDC is revising its 1969 Bay Plan to incorporate a site specific comprehensive regional plan for port development; and local ports are participating in regional port planning studies under the auspices of NORCAL with the support of MARAD. The foregoing studies all pertain to the nine-county area bordering San Francisco Bay. Additional regional port studies are also in preparation in the Delta, where the Port of Sacramento and the Port of Stockton are participating in the maritime elements of area-wide transportation plans for the Sacramento and Stockton metropolitan areas. The Corps of Engineers' In-Depth Study encompasses a broad range of considerations intended to define the Federal interest in maritime development in the entire twelve-county Bay-Delta area, especially the future need for navigation channels.

It is evident that the traditional Federal-local approach to the planning of maritime facilities is giving way to an area-wide arrangement in which State and regional agencies are assuming a greater role in planning, reviewing and regulating deep-draft navigation development.

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